

IN RE: PETITION FOR VARIANCE
SW/S Sweet Air Road, 140' SE
of Jarrettsville Pike
(3411 - 3419 Sweet Air Road)
10th Election District
6th Councilmanic District

Lenora E. Zaccari, Legal Owner;
John Szyjka, Contract Lessee

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-27-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3411-3419 Sweet Air Road, located in the vicinity of Jarrettsville Pike in Jacksonville. The Petition was filed by the owner of the property, Lenora E. Zaccari, and the Contract Lessee, John Szyjka, through their attorney, Julius W. Lichter, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.3 to permit 27 compact parking spaces in lieu of the required 27 standard size spaces; from Section 409.4.C to permit existing and proposed drive aisle widths of 19 feet and 20 feet in lieu of the required 22 feet, and to permit a one-way aisle width of 12 feet in lieu of the required 20 feet; from Section 409.6 to permit 37 parking spaces in lieu of the required 52; and from Section 413.3.C to permit an existing freestanding sign to remain in its present location within the public right-of-way. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were John Szyjka, Contract Lessee of the subject property, Thomas Hoff, Professional Engineer who prepared the site plan for this project, and Julius W. Lichter, Esquire, attorney for the Petitioners. Scores of individuals who

ORDER RECEIVED FOR FILING

Date 9/27/96

By [Signature]

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reside in the vicinity of the subject property attended the hearing in support of the request, all of whom signed the Petitioners' Sign-In Sheet. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.54 acres, more or less, zoned B.M.-C.R., and is improved with a two-story building containing mixed uses. One of the uses in the building is Roma's Restaurant and Carry-Out, which has existed on the property for the past 20 years. Testimony indicated the Petitioners filed the instant request as a result of a complaint concerning parking which was registered with the Zoning Enforcement Division of the Department of Permits and Development Management (DPDM). An inspection of the property and the uses thereon revealed a number of minor violations of the zoning regulations, and thus, the Petition for Variance seeking the relief noted above was filed in order to resolve the matter.

On behalf of the Petitioners, Mr. Lichter proffered testimony in support of the relief requested. Mr. Lichter testified that his client has been in business at the subject location for the past 20 years, and in all that time, there have never been any problems with parking, traffic flow, or any other matters associated with the restaurant use. No new improvements are proposed at this time and thus, the relief requested is merely to legitimize conditions which have existed on the property for many years and to bring the property into compliance with the B.C.Z.R.

As noted above, many residents from the surrounding Jacksonville area attended the hearing in support of the relief requested. In addition to the appearance of those individuals, the Petitioners submitted a Petition of support which had been signed by approximately 4,000 Jacksonville area residents. It should be noted that no one appeared in opposition to

the Petitioners' request and no letters objecting to the relief requested were received by this Office.

After considering the proffered testimony by Mr. Lichter as well as the testimony offered by the citizens who appeared at the hearing, I am persuaded to grant all of the relief requested, with the exception of the variance to allow an existing freestanding sign to remain in the public right-of-way. Testimony revealed that this sign has existed in its present location for the past nine years. The sign poses no visibility problems, nor does it affect traffic in any adverse manner. However, it is located within the State's right-of-way along Sweet Air Road. It is not permissible to grant a variance to allow a sign to exist within a State road right-of-way, and thus, that portion of the relief requested must be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Date

By

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After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances, as modified, are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

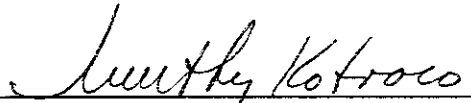
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of September, 1996 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.3 to permit 27 compact parking spaces in lieu of the required 27 standard size spaces; from Section 409.4.C to permit existing and proposed drive aisle widths of 19 feet and 20 feet in lieu of the required 22 feet, and to permit a one-way aisle width of 12 feet in lieu of the required 20 feet; and from Section 409.6 to permit 37 parking spaces in lieu of the required 52, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the variance from Section 413.3.C to permit an existing freestanding sign to remain in its present location within the public right-of-way, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

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Date 9/27/96
By [Signature]

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SEP 27 1996

IT IS FURTHER ORDERED any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

September 27, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/S Sweet Air Road, 140' SE of Jarrettsville Pike
(3411 - 3419 Sweet Air Road)
10th Election District - 6th Councilmanic District
Lenora E. Zaccari, Legal Owner; John Szyjka, Contract Lessee
Case No. 97-27-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: A. J. Szczerbicki, Esquire
28 W. Allegheny Avenue, Towson, Md. 21204

Mr. John Szyjka
3419 Sweet Air Road, Phoenix, Md. 21131

People's Counsel

✓ File

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18



Petition for Variance

to the Zoning Commissioner of Baltimore County

Sweet Air Road Southeast of
Jarrettsville Pike

for the property located at

97-27-A

which is presently zoned BM-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Practical difficulty due to the angle of the right-of-way across frontage of property, the shape of the lot together with the location of the existing improvements and other reasons to be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

~~X Contest Purchaser/lessor~~

John Szyjka

(Type or Print Name)

John Szyjka
Signature

3419 Sweet Air Road

Address

Phoenix, MD

21131

City

State

Zipcode

Attorney for Petitioner

Julius W. Lichter, Esquire

(Type or Print Name)

Julius W. Lichter
Signature

305 W. Chesapeake Ave., 321-0600

Address

Phone No.

Towson, MD

21204

City

State

Zipcode

**DROP-OFF
NO REVIEW**

Printed with Soybean Ink
on Recycled Paper

7/10/96

MICROFILM

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Lenora E. Zaccari

(Type or Print Name)

Lenora E. Zaccari
Signature

(Type or Print Name)

c/o A.J. Szczerbicki, Esquire
Signature

28 W. Allegheny Avenue

337-8068

Address

Phone No.

Towson, MD

21204

City

State

Zipcode

Name, Address and phone number or representative to be contacted.

Julius W. Lichter, Esquire

Name 305 W. Chesapeake Avenue, Suite 113

Towson, MD 21204

321-0600

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

97-27-A

Variance of 37 existing and new parking spaces in lieu of the required 52 pursuant to 409.6

Variance of the existing 27 compact spaces in lieu of the required 27 standard size spaces pursuant to 409.3

Variance of drive isles existing and new of 19' and 20' in lieu of the required 22' pursuant to 409.4c

Variance to continue to permit a portion of the existing driveway in the public right-of-way pursuant to 409.8

Variance to continue to permit the continued location of the existing free standing sign in the public right-of-way pursuant to 413.3c

Variance to continue to permit a 12' one way aisle width in lieu of the required 20' pursuant to 409.4c

ORDER RECEIVED FOR FILING

Date

By

RECORDED

97-27-A

18

June 24, 1996

Description of 3411-3419 SWEET AIR ROAD, to Accompany Petition for Zoning Variances.

BEGINNING FOR THE SAME at a point on the west side of Sweet Air Road (State Route 145) 140 feet more or less from the center line of Jarrettsville Pike.

Thence binding on the west side of said Sweet Air Road,

- (1) South 32 degrees 20 minutes 20 second East 40.07 feet;
- (2) South 32 degrees 20 minutes 20 seconds East 100.00 feet,

thence leaving the west side of Sweet Air Road,

- (3) South 54 degrees 11 minutes 10 seconds West 169.44 feet;
- (4) North 32 degrees 20 minutes 20 seconds West 100.00 feet;
- (5) North 32 degrees 20 minutes 20 seconds West 40.07 feet,
- (6) North 54 degrees 11 minutes 10 seconds East 169.44 feet,

to the point of beginning containing 0.54 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 10

Posted for: 97-27-A Date of Posting 9-6-86

Petitioner: _____

Location of property: 3411 - 3419 Sweet Air Rd.

Location of Sign: Front of Building Near Street

Remarks: _____

Posted by Mark Crowl Signature: _____ Date of return: _____

Number of Signs: _____



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NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chase Park Avenue - in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 6:00 p.m.

Case #97-0724
 (Item 10)
 3411-10 Street, Allentown, PA 18106
 SWS Street, Allentown, PA 18106
 of Jarets/PA 18106
 10th Election District
 6th Councilmanic
 Legal Owner(s):
 Latoria E. Zaccari
 Contract Purchaser:
 John Szoka

Variance: to permit 37 existing and new parking spaces in lieu of the required 62; to permit existing - 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive isles existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.

Hearing: Tuesday, September 24, 1998 at 2:00 p.m. in Rm. 108, County Office Building.

LAWRENCE E. SCHMIDT
 Zoning Commissioner for
 Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for Special accommodations Please Call 887-3353
 (2) For information concerning the Fire and/or Hearing, Please Call 887-3391.

8/04/ August 1, 070828

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 1996.

THE JEFFERSONIAN,

A. H. Amick
 LEGAL AD. - TOWSON

RECORDED

97-27-A

post 9-9-96

Contract Purchaser: John Szyjka

Variance to permit 37 existing and new parking spaces in lieu of the required 52; to permit existing 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive isles existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.

HEARING: TUESDAY, SEPTEMBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204



TO: PUTTUXENT PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please forward billing to:

Julius W. Lichter, Esq.
Levin & Gann
305 W. Chesapeake Avenue
Towson, MD 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-27-A (Item 18)
3411-19 Sweet Air Road
SW/S Sweet Air Road, 140' SE of Jarrettsville Pike
10th Election District - 6th Councilmanic
Legal Owner: Lenora E. Zaccari
Contract Purchaser: John Szyjka

Variance to permit 37 existing and new parking spaces in lieu of the required 52; to permit existing 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive isles existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.

HEARING: TUESDAY, SEPTEMBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-27-A (Item 18)
3411-19 Sweet Air Road
SW/S Sweet Air Road, 140' SE of Jarrettsville Pike
10th Election District - 6th Councilmanic
Legal Owner: Lenora E. Zaccari
Contract Purchaser: John Szyjka

Variance to permit 37 existing and new parking spaces in lieu of the required 52; to permit existing 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive isles existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.

HEARING: TUESDAY, SEPTEMBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: A. J. Szczerbicki, Esq.
John Szyka
Julius W. Lichter, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 17, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No.: 18
Case No.: 97-27-A
Petitioner: Lenora E. Zaccari

Dear Mr. Lichter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 10, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

August 8, 1996

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
Room 111
County Office Building
111 W. Chesapeake Avenue
Towson MD 21204
Mail Stop #1105

RE: Baltimore County
MD 145 (west side)
3411-3419 Sweet Air Road
Variance Request
Item #018 (WCR)
Mile Post 5.58

Dear Mr. Eubanks:

This letter is in reference to your request for our review of the plan for the above item.

MD 145 is not identified in the State Highway Administration's (SHA) current and long range planning documents for future roadway improvements in this area.

A field inspection of the property reveals the existing curb and gutter and entrances onto MD 145 are in an acceptable condition to the SHA.

However, there are two existing advertising signs located along the property frontage on MD 145 within SHA right-of-way. Commercial advertising signs are not allowed to be located within SHA right-of-way, therefore, the developer needs to relocate the signs outside of SHA right-of-way.

Although we have no objection to approval of the proposed variance request, #1 through #5 indicated on the plan, we cannot support variance request #6 subject to our aforementioned signage relocation comment.

We request the County require the developer to relocate the existing signs as a condition of plan approval.

NOTIFIED

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Roslyn Eubanks
Page Two
August 8, 1996

If you have any questions, please contact Bob Small at 410-545-5581. Thank you for the opportunity to review this plan.

Very truly yours,



for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MAILED

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for August 5, 1996
 Item No. 018

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Additionally, per Department of Public Works' Std. Plate R-32, Single Commercial Entrance Detail, note no. 5, "All permanent signs and light fixtures shall be outside of the County right-of-way."

The developer should place the existing sign on the face of the existing two-story building.

RWB:HJO:jrb

cc: File

ZONE20A

MICROFILMED

RE: PETITION FOR VARIANCE
3411-19 Sweet Air Road, SW/S Sweet Air
Road, 140' SE of Jarrettsville Pike
10th Election District, 6th Councilmanic

Legal Owner: Lenora E. Zaccari
Contract Purchaser: John Szyjka
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-27-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esq., 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

97-27-A

TO: Larry E. Schmidt
Zoning Commissioner

DATE: July 29, 1996

FROM: James H. Thompson - DT
Code Inspections and Enforcement Supervisor

RE: ITEM NO.: 18
LEGAL OWNER: Charles and Lenora E. Zaccari
PETITIONER: John Szyjka

VIOLATION CASE NO.: 96-2A
Related Violation C-96-3700

LOCATION OF VIOLATION: 3411 Sweet Air Road
Phoenix, Maryland 21131
10th Election District

DEFENDANTS: Charles Zaccari and Lenora E. Zaccari

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Mr. & Mrs. Mark Peotter

3443 Sweet Air Road
Phoenix, Maryland 21131

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Inspections and Enforcement Supervisor, so that the appropriate action may be taken to the violation case.

JHT/DT/hek

MICROFILMED



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

99-27-A

TO: Larry E. Schmidt
Zoning Commissioner

DATE: July 29, 1996

FROM: James H. Thompson - DT
Code Inspections and Enforcement Supervisor

RE: ITEM NO.: 18
LEGAL OWNER: Anita G. Akob and
Rosemary T. Profili, et. al

VIOLATION CASE NO.: C-96-3700
Related Violation 96-2A

LOCATION OF VIOLATION: 3413-3419 Sweet Air Road
Phoenix, Maryland 21131
Election District

DEFENDANTS: Anita G. Akob and
Rosemary T. Profili, et. al

Plea be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Inspections and Enforcement Supervisor, so that the appropriate action may be taken to the violation case.

JHT/DT/hek

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 30, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #18)
Sweet Air Road, SE of Jarrettsville Pike
10th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

In what capacity is John Szyjka signing the petition?

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED



Resume
(Cont)

: space

Employment:

Job Description: Subdivision close-out process-review Public Works Agreements, project files and contract drawings in preparation of physical inspection; coordinates close-out process with various Baltimore County Departments, Offices and Bureaus (act as Bureau's liaison for inter-departmental inquiries), the County Council, Homeowners Associations, builders and developers; conduct initial field investigation and prepare a punch-list of corrections; review of the punch-list with developer and/or builder; conduct final field investigation of all corrections for finalization and acceptance; formulate a punch-list of required corrections from other Baltimore County Departments and Bureaus and work with follow-ups; write correspondence and set up meetings for follow-ups and inquiries; reinspect and prepare project for final close-out.

Special projects and assignments (research, review plans, arbitrate, investigate, attend Homeowner Association and town meetings, court appearances, etc.); act as a trouble shooter and resolve problems for commercial and residential permits, house number section, Developers Engineering Division, Sediment Control, Citizens Assistance, Executive Office, County Council and then to prepare a written response for the signature of the Manager of Development Management Section, Director, Department of Permits and Development Management or the County Executive.

Meets with the Director of Permits and Development Management, member of the Development Management Section and Baltimore County Homebuilders to set County policies for close-out methods and procedures. Interacts regularly with the general public and government officials.

Support
Supervises the office support staff and field inspectors.

November 1988-February 11, 1993

Position: Chief of Project Close Outs-EA-IV
Bureau of Public Services
Department of Public Works

: space

Job Description: Subdivision close-out process-review Public Works Agreements, project files and contract drawings in preparation of physical inspection; coordinates close-out process with various Baltimore County Departments, Offices and Bureaus (act as Bureau's liaison for inter-departmental inquiries), the County Council, Homeowners Associations,

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

18

JULIUS W. LICHTER

July 10, 1996

HAND DELIVERED

Arnold Jablon, Director
Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 3411-3419 Sweet Air Road

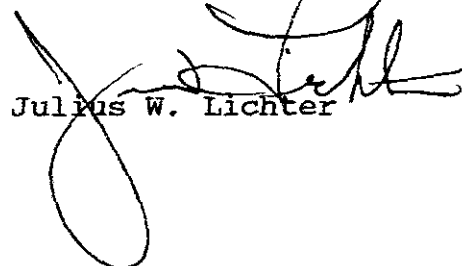
Dear Mr. Jablon:

Enclosed herewith you will find the following:

1. Three copies of the Petition for Variance
2. Three copies of the Description of the property
3. One copy of the 200' scale zoning map reflecting the property
4. Twelve copies of the Plat to Accompany the Petition
5. A check in the amount of \$285.00 to cover the costs.

There is presently a zoning violation related to parking, which this case will resolve. The Department of Permits and Development Management has not reviewed the Petition or the exhibits.

Sincerely,


Julius W. Lichter

JWL/ch

Enclosures

DROP OFF
7/10/96
WCL

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BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
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LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

96-3879
7/15/96
8
to 63
ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

July 12, 1996

HAND DELIVERED

Arnold Jablon, Director
Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

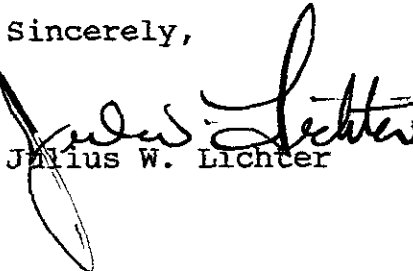
RE: 3411-3419 Sweet Air Road

Dear Mr. Jablon:

A Petition for Variance together with attachments were filed regarding the above captioned property on July 10, 1996. I am writing this letter to you to avoid any difficulties in scheduling this case. The parties who are necessary to be present with regard to this case will be unavailable through September 20, 1996. Therefore, please schedule this case some time after September 20, 1996.

Many thanks for your kind cooperation.

Sincerely,


Julius W. Lichter

JWL/ch

cc: Mr. John Szyjka
A. J. Szczerbicki, Esquire

RECORDED

JUL 15 1996

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

8/7/96
✓
96-443/
LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

August 6, 1996

Hand Delivered

Mr. Joseph C. Merrey
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Drop-Off Petition Review (Item #18)
Sweet Air Road, SE of Jarrettsville Pike
10th Election District

Dear Joe:

Welcome back from vacation; I hope that you enjoyed your time away. During your vacation, I received your letter of July 30, 1996 regarding the captioned matter.

Mr. Szyjka signed the petition in his capacity as a tenant in the subject property.

I trust that this information will assist in your review; if you need further information, please do not hesitate to contact me.

Sincerely,


Julius W. Lichter

JWL/rdp

1006

ROBERT L. EHLICH, JR.
20 DISTRICT, MARYLAND

COMMITTEES

GOVERNMENT REFORM
AND OVERSIGHT

VICE CHAIR, SUBCOMMITTEE ON
NATIONAL SECURITY, INTERNATIONAL AFFAIRS
AND CRIMINAL JUSTICE
SUBCOMMITTEE ON
NATIONAL ECONOMIC DEVELOPMENT, NATURAL RESOURCES
AND PUBLIC UTILITIES
SUBCOMMITTEE ON PUBLIC AFFAIRS

BANKING AND FINANCIAL SERVICES

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT

SUBCOMMITTEE ON MONETARY
AND COMMUNITY DEVELOPMENT

Congress of the United States
House of Representatives
Washington, DC 20515-2002

September 23, 1996

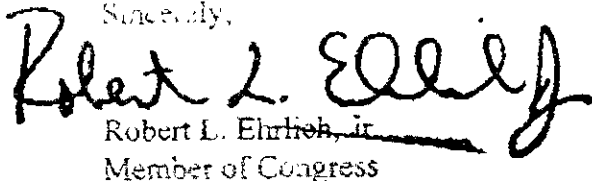
Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Zoning Commissioner's Office
400 Washington Avenue
Towson, Maryland 21204

Hi,

I would like to ask you to consider granting a variance to ROMA CARRY-OUT, which my constituents John and Mary Szyjka own. It is my understanding that all of the local businesses in the area of Jacksonville are supporting these fine citizens of Baltimore County.

John and Mary have been for about 20 years providing an excellent environment for the community. ROMA CARRY-OUT has for many years been very active in community programs such as Basketball, Soccer and the Jacksonville Volunteer Fire Department. I would hope that your decision will favor the small business owners, who are the backbone of our economy.

Sincerely,


Robert L. Ehrlich, Jr.
Member of Congress

WASHINGTON, DC 20515
102 225-1061

DISTRICT OFFICE

1407 YORK ROAD
SUITE 304
LUTHERVILLE, MD 21093
670 237-7227

2107 N. W. STREET
D 21014
410 838-2517

GOVERNMENT BUILDING
7701 A SE AVENUE
2ND FLOOR
DUNDALK, MD 21222
(410) 284-6828

511-B EASTERN BOULEVARD
Essex, MD 21221
(410) 780-3911

3905 MOUNTAIN ROAD
Pasadena, MD 21122
(410) 255-6983

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FAX COVER

CONGRESSMAN ROBERT L. EHRlich

Lutherville District Office

Galleria Atrium

Suite 304

1407 York Road

L

MD 21093

Phone: (410)

(410) 337-0211

DATE:

9/24/96

Tim

CO

FROM: Bob

EF

TOTAL NUMBER OF PAGES (INCLUDING COVER): 2

COMMENTS:

Thank you

305

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Bagelmeister

3443 Sweet Air Road
P.O. Box 237
Jacksonville, MD 21131

Telephone (410) 628-0112
Fax (410) 628-6075

FAX COVER SHEETDate: 19 Sept '96To: Mr Larry SchmidtFAX
Phone: 887-3468# Pages, including cover sheet: 6Hard copy in mail: Yes ☒ No

Message: I am also sending a copy of
No Co News article I just rec'd
in mail less than 2 hours ago.

Beattie

I called
+
discussed
JSB

No action
Needed,
not
in file
JSB

MICROFILMED

Bagelmeister

3443 Sweet Air Road
P.O. Box 237
Jacksonville, MD 21131

Telephone (410) 628-0112
Fax (410) 628-6075

September 18, 1996

Mr. Larry Schmidt
Balt. Co. Zoning Commissioner
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Item # 18

Dear Mr. Schmidt:

My name is Kathleen Peotter. My husband, Mark, and I are the owners of Bagelmeister in Jacksonville, MD. I am forwarding this letter to your attention at the suggestion of Donna Thompson, Code Inspection and Enforcement Officer. It is my objective to make you aware of events which have affected my family and our business with regard to the above referenced item. I am attaching hereto correspondence we received from Ms. Thompson citing our connection to this matter.

When Mark was hit with an upper management layoff in September of 1993 we decided the time had come to pursue our own business. With his environmental and mechanical engineering background and management skills he was well equipped to undertake this task. After several laborous months, we were ready to open Bagelmeister in April of 1994. Unexpectedly, we ran into some difficulty with regard to zoning and parking spaces available to us. We were told by the zoning department that the Manor Center did not have enough parking spaces to provide for us to house tables and chairs in our bagel bakery/deli. We were, needless to say, quite distraught over this complication, as we had planned, purchased and installed restaurant seating. To make a long and nerve-wracking story short, more parking spaces were provided for us. When Mark returned to the zoning office to obtain permission to open with seats, he was accompanied by Mr. Carl Conway, owner of the management company which cares for Manor Center. Mr. Conway provided the zoning office with the approved plans for the re-linement of the parking area.

Shortly thereafter we were made aware that a Dunkin' Donuts was coming to the area and they were being allowed to open their establishment with seating. We questioned why they were not obliged to follow the same rules that applied to us. It seemed to be brutally unfair that a business sporting a large corporate name would not be required to follow the same set of rules as a small, family owned operation. Thus, we made an inquiry.

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Two years later this inquiry began to snowball, and now our business is being buried under an avalanche of hatred, lies and deceit. This spring, when we were in the process of expanding our business, we found ourselves standing in defense of our ethics and integrity, when truly our business was in need of all of our energies.

To mention some of the injustices thrown our way: profanity was written on Mark's car, and the car was trashed with toilet paper; the back door, outside wall and new walk-in refrigerator and freezer on our premises were paintballed more than once (we were advised that we would be held responsible for all clean-up costs); police were summoned several times, in one instance to search for an irrate man who entered our premises in the evening and began screaming across the shop at our manager that she had better inform us that we should "leave Roma's alone if we know what's good for us." This accounting does not include every incident experienced, but I believe it is enough to paint a clear picture of the circumstances.

A community boycott of our business was threatened by many. We have, since this past April, received many nasty phone calls demeaning us, our products and our establishment. Since the printing of the related article (attached) in the September issue of The Villager, we have received more phone calls and intrusions, even though the article does not state our name. In addition, recently a good customer and friend of ours was told by a local business owner that we were being fined thousands of dollars by the health department for selling bad meat. Not only is this untrue, but the impact rumors of this nature can have on a food industry business can be magnanimous. Fortunately, we have a strong business, largely due to the high quality of our products, the cleanliness of our premises, and hard work.

We have had many customers and professional members of the community ask us about rumors they have heard and about our involvement with Roma's. We have spent a great deal of time explaining that we in no way intended harm to Mr. Zaccari, Roma's, or anyone. We feel that we are fortunate that these people ask and at least give us the opportunity to explain.

We have strongly supported business and community in the Jacksonville area since becoming members of this community in 1994. We make endless contributions to area churches, schools, recreation and senior centers. A member of the Manor Merchant Association, I was contracted to create and edit Manor Center Shopper, a non-profit local news and business advertising paper which promoted business in the Jacksonville area and was mailed to over 15,000 area homes. (I ceased this project, however, in May when my time and energies were required elsewhere.) We are a strong moral and ethical family and practice business with professionalism. We are simply astounded by the way we have been treated by some of the business and community members in this area.

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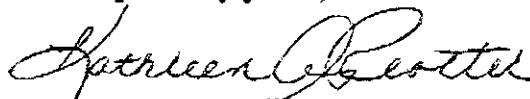
We made an inquiry that apparently opened a whole 'can of worms.' We had no knowledge of Roma's violation or of Mr. Zaccari's previous request for a variance. We had no intent to harm. We went to visit John, the owner of Roma's, back in the spring when this ordeal came to light. We told him that we never intended him any harm, and lent him our full support. This is truth, however, and unfortunately does not spread quickly, like rumor. We had initially intended to attend the zoning hearing in this matter, but at this time choose not to be present for obvious reasons.

In closing, I reflect on a recent phone call I received from a woman who said her name was Judy Johnson. She said that she used to be a customer, but she never intends to come to our shop again because she heard what we were doing to Roma's and that she believes in "free enterprise". I spent close to fifteen minutes explaining what the truth of the matter was, and told her how difficult it is for my husband and I to hear of people speaking badly of us and our business; how difficult it is for my husband to hear people calling me on the phone and screaming at me; how difficult it is for me to watch how my husband has become somewhat withdrawn, when so often I used to admiringly observe him out in the front end of the restaurant cajoling and building community with our customers. Although she was a patient listener, Judy Johnson didn't seem to hear the message in one word I said. She told me that what was done was wrong, that she would no longer be my customer, and again, that she believed in "free enterprise". In a larger sense, the world believes in free enterprise, Judy; but free enterprise without law is terrorism.

Our wish is that it is made clear to this community that the predicament in which Mr. Zaccari and his tenant(s) find themselves, is through no one else's wrong-doing. Much of this community is under the impression that Bagelmeister filed a complaint against Roma's and Zaccari's. This is far from the truth. As the attached correspondence from the code inspection officer notes, Bagelmeister simply made an inquiry into why the Dunkin' Donuts did not have to play by the same set of rules Bagelmeister was required to play by.

Mr. Schmidt, if you have any questions or comments with regard to this matter, please feel free to contact me either the number listed above, or at my home on 879-9006. I thank you in advance for your time, attention and consideration of this matter.

Respectfully yours,



Kathleen A. Peotter

cc: Ms. Donna Thompson

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September 1996

The Villager

The Villager

Phoenix Eatery Seeks OK For Fewer Parking Spaces

by Nancy Jones

A popular Jacksonville eatery may be forced to change the way it has done business for years because people sometimes like to sit while drinking their coffee and eating a donut.

Not everyone has to grab their morning java and eat their donuts while driving to work. So the Dunkin' Donuts store, located on Sweet Air Road at the four corners in Phoenix, recently put in a few tables for patrons who have a more leisurely schedule.

But adding tables technically transformed the store into a restaurant which requires more parking spaces under Baltimore County zoning regulations. And parking spaces are at a premium for the small retail strip center that also houses two hair salons, a toy store, an antique shop and Roma Carryout, an Italian eatery.

When an adjacent merchant complained, county zoning enforcement officials made Dunkin' Donuts remove the tables. But during the investigation, the inspector discovered that over the years other changes had been made — mostly due to new tenants — that were in violation of county requirements.

As a result of the complaint against Dunkin' Donuts, Zaccari's Toy Store is no longer selling discount toys and party goods from the building's basement. Store owner Joe McCormack voluntarily complied with the request that all retail sales be conducted in the street-level portion of the shop.

'No parking problems'

For about 20 years, Roma Carryout has served good food from the store. Sometime during that period, tables were added at the establishment, apparently without the requisite number of parking spaces required being added. However, owner John Szyjka is not willing to remove the tables and is asking county zoning officials for permission to have fewer parking spaces than regulations allow.

On September 24, 2 p.m., Szyjka will go before the county zoning commissioner for approval of 37 existing and new parking spaces in lieu of the required 52. He also is seeking several other variances — such as size of parking spaces and drive aisles — ne-

cessitated by the cramped conditions on the property.

"Right now we are waiting for the hearing to take place," said Julius Lichter, the lawyer representing Szyjka. "Someone complained that there was inadequate parking — it was a technical problem. There's never been any parking problems with [Roma's], never."

"They have been doing business there a long time and they have gathered a tremendous amount of community support."

Hundreds of signatures

Not only is Lichter saying there is no problem, so, too, are Roma's customers. At the zoning commissioner's hearing, Szyjka is expected to present hundreds of signatures collected on petitions in support of the parking variance request.

"There's never been any parking problems with [Roma's], never."

— Julius Lichter

Not only has Szyjka been gathering signatures but other merchants — not just in the same strip center but throughout the four corners area — have displayed the petition and gotten customers to sign.

"There's a lot of signatures," said Sue Mitchell, the owner of Looking Good Hair Salon, a neighboring business to Roma. "We give back to them at least a page every day and a lot of times they are full."

"There is no parking problem that I've ever experienced or that my customers have. And I have a lot of customers who stay here for hours. [Roma's customers] are in and out of there. They may be busy, but they're quick. They don't stay long."

Whether Roma customers may stay at all will be up to the zoning commissioner. If the variance request is denied, Szyjka could be told to remove his tables and go back to carry out only.

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County News

Sept. 1996

Baltimore and Western Harford Counties

Volume 8, No. 7

Start with a drip and a flood will follow:

Roma, a 4-Corners Foodstop, Campaigns to Keep Seats

by Nancy Ringgold

**Confusion, property
destruction,
profanity, gossip,
and misinformation
surround the
Romas saga.**

On Sept. 24th, John and Mary Szyjka will defend part of their economic well-being: the seats in which their customers sit.

The seats have resulted in a zoning violation because there are not enough car parking spots and a compro-

mise remedy is being sought. To comply with Baltimore County zoning rules, the strip center, which houses Roma, ought to have 52 parking spaces. The Szyjka attorney will ask the County to accept 37 spaces.

On the surface that is the entire situation. The real saga is under the surface. Please follow closely.

The players are: the Peotters, owners of the Bagelmeister; the Randalls, owners of Dunkin' Donuts; Mrs. Zaccari, owner in total and owner in part of the two separate parcels which comprise the Roma - Dunkin' Donut strip; and the Szyjkas,

owners of Roma.

Peotter started the drip and Zaccari turned on the faucet full force. Here is how it happened.

Less than a year before the Peotters, after what Mark Peotter remembers as a difficult time with the County and with the Manor Center, finally opened the doors of his Bagelmeister.

Peotter is not a shrinking violet. He sometimes comes across as 60-grade sand paper. However, in the process of getting his own shop open, he brought about a lot of cheery additions to the Manor Center, like the creative neon light art which decorates the Bagelmeister and Something Sweet Ice Cream Shop.

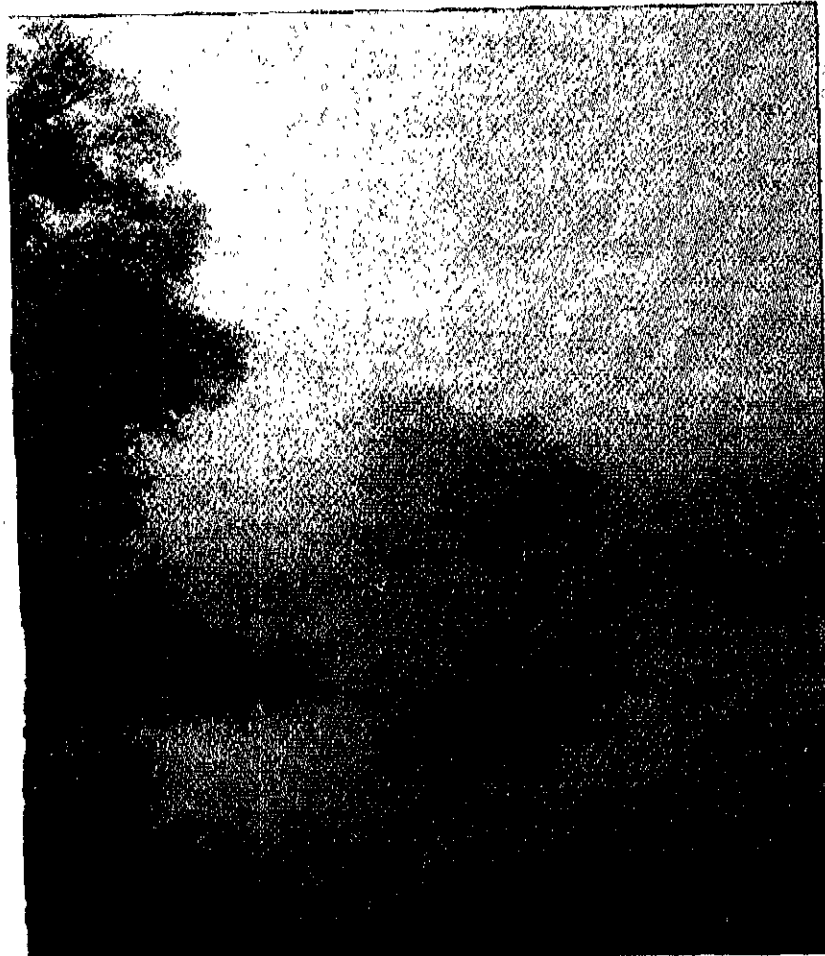
In a move that Peotter describes as simply protecting his business, he called Baltimore County Code Inspection and Enforcement on February 23, 1995.

At that time Dunkin' Donuts had just opened and was, of course, competing in the morning snack market, the sit-down morning snack market.

Peotter simply made an inquiry. He asked if Dunkin' Donuts was allowed to have seats.

As Donna Thompson, who investigated the case, explained, any inquiry is translated to a complaint and is investigated.

Dunkin' Donuts was in violation due to a lack of parking spaces and was sent a notice. "Had Dunkin' Donuts simply removed the tables it is entirely possible that there would have been no further investigation," stated Baltimore County Code and In-



is most beautiful in the autumn.

Ringgold photo

Roma's cont. on page 11

MICROFILMED

September 1996

Roma from page 1

spection Enforcement Officer, Donna Thompson.

However, Randall went to Zaccari, who hired the Spellman and Larson law firm which tried to negotiate a deal with the Manor Shopping Center to lease some parking spaces.

Trit Farley, who, with her father John, owns the Manor Center, was unaware of her father's conversation concerning the parking spaces. She remarked that "from a legal point of view, I don't know if there are any spaces to be given."

Mrs. Zaccari then opened Pandora's Box. She asked Thompson if she could borrow parking spaces from her adjoining property, which was the end of the strip which houses Romas.

This request caused Thompson to raise an eyebrow. She reviewed the files and learned that in 1970 there was a request for a variance when the second floor was added to Zaccari's Toy Store.

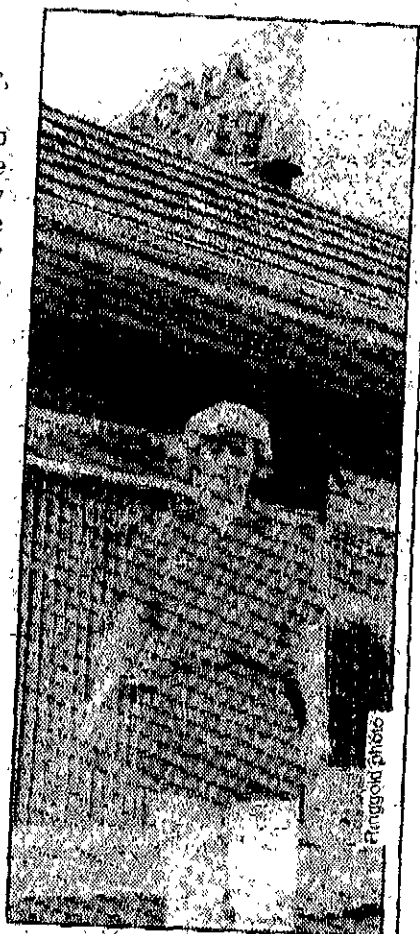
Thompson visited the strip and found that not only was Dunkin' Donuts in violation due to lack of parking, but so was Zaccari's and Romas.

In keeping with standard zoning regulations, Zaccari's was told they could no longer sell out of their downstairs warehouse, and Romas was told to remove their seats, all due to lack of adequate parking as stated in the Baltimore County rules.

Rumor spread quickly that the feisty Mark Peotter was out to get Romas. Stories had already circulated about the Peotters' "dot and tittle" attitude toward apparently competitive merchandise carried by other Manor merchants including Something Sweet Ice Cream Parlor and by other Manor Center merchants. (The Manor Center Covenants used to have very strict non-competitive clauses. Since Donald Readys' departure, their enforcement have become lax. There has been no conclusion regarding the better approach.)

While Peotter made an initial inquiry regarding the Dunkin' Donut seats, it was Mrs. Zaccari's negotiations which opened the flood gates.

While stories circulated that the Peotters had deliberately tried to cause trouble for Romas, all of Jacksonville as well as news centers as



Roma owner Mary Szyjka.

far away as Hereford were abuzz.

On at least six occasions, people trashed the Peotters' vehicles and service entrance, painting fourth-grade vulgarities on the car.

Jacksonville's favorite son, John Szyjka was seen as being deliberately victimized by Mark Peotter, the new kid on the block. Jacksonville was an emotional war zone.

September 24 will settle the matter.

(Editor's Note - The question remains: if Mark Peotter had called Mrs. Zaccari instead of going to the authorities first, could all of this have been resolved amicably? And if it could have been resolved, would it have been contrary to the "letter" of the zoning laws, even if the "spirit" of those laws was followed? It begs the age old question of whether the laws are for the people or are the people servants of the laws.

Nancy Ringgold, editor)



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3443 Sweet Air Road
P.O. Box 257
Jacksonville MD 21131

Bagelmeister

Telephone (410) 628-0112
Fax (410) 628-6075

FAX COVER SHEETDate: 19 Sept '96To: Mr. Larry SchmidtPhone: 887-3468# Pages, including cover sheet: 3Hard copy in mail: Yes ☐ No ☒

Message: Following is a copy of the correspondence
we received from Donna Thompson
which is mentioned in my letter
to you. It was omitted with the first
fax

Patricia Scatter**MICROFILMED**



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 23, 1996

Mr. & Mrs. Mark Peotter
3443 Sweet Air Road
Phoenix, Maryland 21111

Re: 3411 Sweet Air Rd.
(Citation 96-2AB)
3413-3419 Sweet Air Rd.
(Case C-96-3700)
10th Election District

Dear Mr. & Mrs. Mark Peotter:

This letter is to inform you as to what has transpired for the above-referenced properties which together is considered a strip shopping center, although is two separate parcels. Outlined are some of the occurrences since this office has been involved.

- 7/1/95 - For the Development Management office, received telephone call from you that the newly opened Dunkin Donuts had added tables and chairs. This inquiry/complaint was given to Zoning Enforcement to investigate.
- 8/6/95 - My inspection did show tables with chairs. Parking was deficient for this site since a fast food restaurant requires 16 parking spaces for every 1000 square feet of gross floor area.
- 8/11/95 - Notification of above to property owners (Mr. and Mrs. Zaccari) with copy sent to Mr. Michael Randall (tenant).
- 1/19/96 - Inspection of 3413-3419 Sweet Air Road. Lack of sufficient parking observed. Roma Carry-Out is considered a fast food restaurant due to the booths. Baltimore County opened case for 3413-3419 Sweet Air Road (C-96-3700).

Mr. Randall had hired Spellman, Larson and Assoc., Inc. to rectify the parking problem for Dunkin Donuts. Once a citation was issued the property owners engaged the services of an attorney, A. J. Szczerbicki. It is noted that in 1972 a zoning variance was filed for 3411 Sweet Air Road for parking which was denied.

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Mr. & Mrs. Mark Peorter
July 23, 1996
Page 2

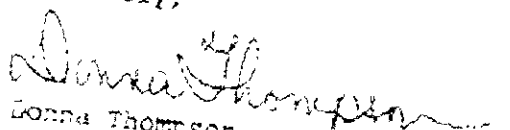
After meeting with Mr. and Mrs. Zaccari and their attorney and Mr. and Mrs. Peorter, they proposed the idea of borrowing parking spaces from the adjacent property being 3413-3419 Sweet Air Road. At that time I tried to check that site to see if this was even feasible. Baltimore City was under the impression that Bona was strictly carry-out. This is not always the case. My inspection of the property gave me the impression that the information given to us to resolve problems is incorrect. Informing this is not always the case. This parcel is also used to be used in parking spaces. Therefore no cases can be removed as a Baltimore County official decided to file a complaint for this violation. Your name is not listed anywhere in this case on 3413-3419 Sweet Air Road (C-06-3700) since Baltimore County is the complainant. In fact, as I recall prior to last Friday I had not been to you since early 1995.

A case has been filed for parking for both parcels (Item 18). A complaint was posted on the property 15 days prior to the public hearing. If it had been filed it not would not have been filed if not.

It is unfortunate that individuals have resorted to vandals against the property regarding Dunkin Donuts. Once a case is assigned to an investigator, if no violation is observed, we would have merely closed the case.

If you have any questions please feel free to call me at 387-3351.

Sincerely,


Donna Thompson
Code Inspection and Enforcement
Officer

10
Enclosure

INDEXED

LESLIE M. PITTLE

ATTORNEY-AT-LAW

SUITE 610
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 823-4455

FACSIMILE
(410) 583-2437

WCR
TOTAL
Remember - OK
5/19/00 uca
5/22

May 18, 2000

Mr. Arnold Jablon
Director
Baltimore County,
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Spirit & Intent Letter
3411-3419 Sweet Air Road

Dear Mr. Jablon:

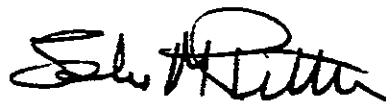
On or about the 14th day of April, I filed with the Zoning Office a Petition for Special Hearing in regard to the above-captioned site. Prior to my receiving a hearing date, I was called by the Zoning Office to discuss the Petition, wherein the Zoning Office indicated to me that in their opinion a Special Hearing was not necessary and that I should proceed to have the issue which I am about to raise and that which was the subject of the proposed hearing resolved by a spirit and intent letter, which, after discussing with my client, is the manner in which I am proceeding. I am thus withdrawing the Petition for Special Hearing and am submitting this letter along with the required \$40.00 filing fee.

The question involves Section 409.6.B.3 of the Baltimore County Zoning Regulations and the matter of the application of the "shared parking calculations" and their applicability to the attached site plan, when the current plan for this particular section of the site is being amended from warehouse use to office use and the remainder of the site stays at its current use. Should the shared parking calculations be properly applicable here then the question is, does your Department agree and thus the attached plan in fact meets the parking requirements as set forth in the BCZR in relation to the proposed change in use.

Obviously, if you agree with the calculations as set forth in the attached plan then a parking variance is not necessary and the Special Hearing is not necessary.

00-1386

Very truly yours.



Leslie M. Pittler

cc: Mr. Tom Hoff
Mr. & Mrs Zaccari

**Speed
Letter**

May 23, 2000

Dear Mr. Pittler:


RE: 3411-3419 Sweet Air Rd., 10th Election District

Staff agrees that your plan is within the spirit and intent of zoning case 97-27-A and further zoning hearings are not required.

Please submit 2 signature plans with the sign in the right of way removed from same as per the Zoning Commissioners denial of this sign variance request. Change the zoning variance note #6 to reflect this denial. Signature plans should be accompanied by a copy of this letter with the text included on the plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



John L. Lewis
Planner II
Zoning Review

JLL:kew

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



PLEASE PRINT CLEARLY

PETITIONERS
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Neil McLain	13701 BALDWIN MILC RD
	21013 ZIP
Leon W. Thase	2817 Stockhol 21003
Mont Spero	13413 BLENFIELD RD - PHOENIX, MD 21031
ROBERT SPERO	18 TREJAN HASE DR. PHOENIX 21131
Bonnie + Connor Murray	2926 Mary mays Mill Rd PHOENIX 21131
GEORGE S. BADDERS	3518 STANSBURY MLL RD 21131
Charles Durrall	2045 Durham Rd 21047
RICHARD J. REINHARDT	16209 MARKOE RD 21111
DAVID B. MORRISON	14903 JARRETSVILLE PIKE 21111
Michael C Zinkha	3410 Blenfield RD Phoenix 21131
William Beall	3731 Jarrettsville PIKE 21084
McLain D. Smith, JR	21131 Jarrettsville Pike, Phoenix, Md 21131
F. Cy Plate	13415 BLENFIELD RD 21131
J. MURRAY BRADLEY	12563 DULANEY VALLEY RD 21131
Robert Korzalkows (i)	7004 Heathcote Dr 21087
Dennis Deke	1102 S. CURLEY T. 21124
W. H. Brown	14824 Jarrettsville PK 21111
Theodore J. Hartke	16 Glenbrook Dr. Phoenix MD 21131
EDWARD C. BURWIN	13712 JARRETSVILLE PIKE PHOENIX MD 21131
Greg J. Jankowski	8820 BECKENHOFLE 21131
JP Korzalkowski	7004 HEATHCOTE DR 21087
A. Bienkowski	227 S. Ellwood Ave 21024
Ted. Karowski.	4826 Easter Ave 21224

MICROFILMED.

PLEASE PRINT CLEARLY

PETITIONERS

PROTESTANT(S) SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>
A. John JANDOS, JP	2921 Paper Mill Rd Phoenix
CARON McDONOUGH	4939 500 KREITER VALLEY RD,
Ann Barker	5520 Sweet Air Rd 21013
Harry Barker	" " " "
CAROLYN ENSOR	Box 22 Phoenix, Md 21131
Kurt Rosenthal	Box 94 Phoenix, Md 21131
Marcia & Karl III Mech	5500 Sweet Air
Dona Koroschak	7004 Heathcote Dr
Julia Kelly	10 Brewster Ct 21131
Edan Feilberg	8 Blexmont 21131
Pat Lgan	14012 Fox Land 21131
Eileen Weyman	14323 Old York Rd 21131
Jenny Bradley	12823 Valley Valley Rd 21131
Holly Jean Oler	13501 LONG GREEN RD BALDWIN MD 2105
John Oler	13509 Long Green Pk Baltimore Md.
Ruth Ann Brown	2158 Schuster Rd Jct 21054
Martha S Bradley	3612 Lord Balb Way Mount 21111
James V McCoy	3912 Sweet Air Rd Jacksonville 21131
DEAN & KATHY AYES	Box 96 Phoenix Md 21131
E. Hattara Weyman III	4101 Hawthorn Hill Rd 21111
M. Regina Ratterman	3820 Blenheim Rd, Phoenix, 21131
JENNIFER MARTUCCI	3005 FRANKLINS CHANCE DE FAUSTON
Jo Ellen Palumbo	13404 Plythemia Phoenix 21131
JOHN T. O'HARA	13702 CRIPPLEGATE RD 21131
DOUG ROBERTS	4105 SWEET AIR, BALDWIN 21013

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONERS
PROTESTANT(S) SIGN-IN SHEET

NAME
DAVE DURIAN
Joseph W. Deane
Nick Conjecture
ELIOT M. LATCHAW
SUSAN W. LATCHAW
Howard A. Ilgenfritz, Jr.
KVONNE SZYJKA
Cathy Szyjka
MITCHELL A. DALY JR
Charles Marshall
Agnes Sherwood
Ernest T. Clark
Richard M. Kerdzinski

ADDRESS
3 MANOR KNOLL CT., BADDWIN 21013
14518 Jamethville Pike Markham Md 21111
4811 BART ALLEN LA. BALOWIN 21013
14801 JARRETTVILLE PIKE, 21131
P.O. BOX 288, 21131
3116 ASPEN CT BALTO. 21227
13411 Bleinfield Rd.
13411 Bleinfield Rd.
13807 AINSBIE LN 21013
13807 E. Devonfield Drive
4811 Bart Allen 21013
2815 Merryman's Mill Rd Phoenix
4313 Green Glade Rd Phoenix

ROAD

JACKSONVILLE

BL-CR

RO-CR

BM-CR

SITE

POB

SWEET

E-16,500

E-16,500

JACKSONVILLE TOWER

RADIO ANTENNA

18

145

146

146

72-321-A

BL-CR

BM-CR

RO-CR

SHEET

N. E.

20-C

WORLD

JOSEPH A. REVAK, D.M.D.

Baltimore County Zoning Commission
Baltimore County
Towson, Maryland

Dear Commissioner,

I have been a neighbor Roma Carryout for the past 18 years. My office is in the Manor Professional Building at 3421 Sweet Air Road. I have been a steady patron of Roma's for that time. I have never been inconvenienced by the parking situation at Roma's and feel that any forced changes to his business is both unfair, and unnecessary. The value of this man's contributions to the community alone, should make any adjustment in the regulations possible. Please take this into consideration when rendering your decision.

Sincerely,

Joseph A. Revak DMD MAS
Joseph A. Revak, DMD, MAS

**PETITIONER'S
EXHIBIT NO. 2**

MICROFILMED

DR. BARRY M. WEINER

OPTOMETRIST

MANOR PROFESSIONAL BUILDING

3421 SWEET AIR ROAD, SUITE 4

P.O. BOX 328

PHOENIX, MARYLAND 21131

(410) 628-1510

September 21, 1995

To Whom It May Concern:

I have been a tenant of the Manor Professional Building, 3421 Sweet Air Road, since 1978. I have known John and Mary Szyjka since that date. They are fine people who have been ably serving the Jacksonville community for many years.

Neither they or any of their patrons have ever caused me or my patients a moments trouble. I have never had a patient complain of parking problems at our building in all the years I have been here.

The Szyjka's are an asset to this community and should be given every consideration. If every an exception should be made, these fine people should receive it.

Sincerely yours,



Barry M. Weiner, O.D., F.A.A.O.

BMW/mi

MICROFILMED

PETITION

WE THE SIGNERS OF THIS PETITION FIRMLY BELIEVE THAT THE ROMA CARRY-OUT LOCATED AT 3419 SWEET AIR ROAD WHICH HAS SERVED OUR COMMUNITY FOR ALMOST TWENTY YEARS HAS CONTRIBUTED QUALITY SERVICES TO US AND ALL OF THEIR CUSTOMERS AND WE AFFIRMATIVELY STATE THAT WE HAVE NOT EXPERIENCED ANY DIFFICULTY PARKING AT THE SWEET AIR CENTER OF WHICH ROMA IS A PART AND WE REQUEST THAT BALTIMORE COUNTY AND THE ZONING COMMISSIONER APPROVE VARIANCES REQUESTED IN ITEM NO. 18.

NAME

ADDRESS

Valerie Larson

16631 Peara Rd Monkton Md 21114

Lori Anderson

13806 Ansari Lane Baldwin

Lindi Hubble

3323 Midland Ct. Abingdon

Lynn McKin

14104 Manor Rd Phoenix

Karen Westwood

31 Constantine Dr. Phoenix

W.F. Helke MO

4 Thornadyke Garth, Phoenix

Beth L. D.

1808 Lyle Mills Ln Bel Air MD

Shelton A. J.

2501 A Peacock Rd Fallston 21047

Shane Calhoun

13947 Sargeville Pike Phoenix

Walter L. L.

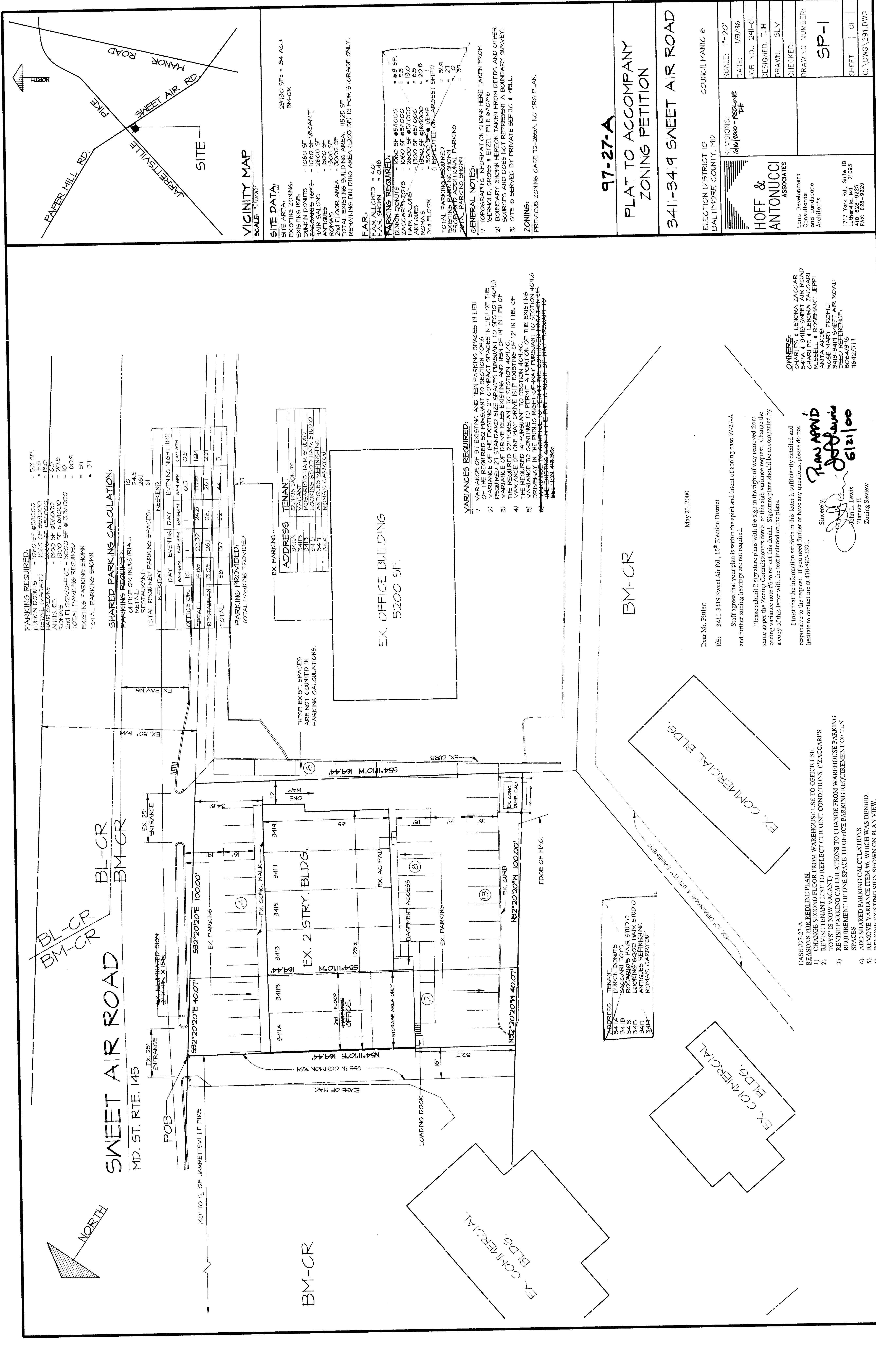
13914 Green Hill Ln. Bowie

Brenda E. Ford

13510 Blendum Rd. N., Phoenix, Md 21131

Steve Ledrich

41 Club View La Phoenix 21131



PARKING REQUIRED:

EXISTING PARKING	= 53 SF
RETAIL (VACANT)	= 5.3
HAIR SALONS	= 19.0
ANTIQUES	= 20.8
ROMA'S	= 10
2nd FLOOR/OFFICE	= 33.3/1000
TOTAL PARKING REQUIRED	= 60.4
EXISTING PARKING SHOWN	= 31
TOTAL PARKING PROVIDED	= 31

SHARED PARKING CALCULATION:

OFFICE OR INDUSTRIAL:	24.8
RETAIL:	26.1
TOTAL REQUIRED PARKING SPACES:	61

PARKING REQUIRED:

WEEKDAY		WEEKEND	
DAY	EVENING	DAY	EVENING
OFFICE OR	10	1	0.5
RETAIL	14.8	22.32	24.8
RESTAURANT	19.05	26.1	26.1
TOTAL:	35	50	52

ADDRESS TENANT

341A	VACANT
341B	ROSARIO'S HAIR STUDIO
341C	LOOKING GOOD HAIR STUDIO
341D	ANTIQUES REFINISHING
341E	ROMA'S CARS/OUT

VARIANCES REQUIRED:

- VARIANCE OF 31 EXISTING AND NEW PARKING SPACES IN LIEU OF THE REQUIRED 52 PURSUANT TO SECTION 404.6
- VARIANCE OF THE EXISTING DRIVE ISLES EXISTING AND NEW OF 9' IN LIEU OF THE REQUIRED 12' PURSUANT TO SECTION 404.3
- VARIANCE OF DRIVE ISLES EXISTING AND NEW OF 9' IN LIEU OF THE REQUIRED 22' PURSUANT TO SECTION 404.3
- VARIANCE OF ONE WAY DRIVE ISLES EXISTING AND NEW OF 12' IN LIEU OF THE REQUIRED 22' PURSUANT TO SECTION 404.3
- VARIANCE TO PERMIT A PORTION OF THE EXISTING DRIVEWAY IN THE PUBLIC RIGHT-OF-WAY PURSUANT TO SECTION 404.8

Dear Mr. Pritter:

RE: 3411 Sweet Air Rd., 10th Election District
and further zoning hearings are not required.

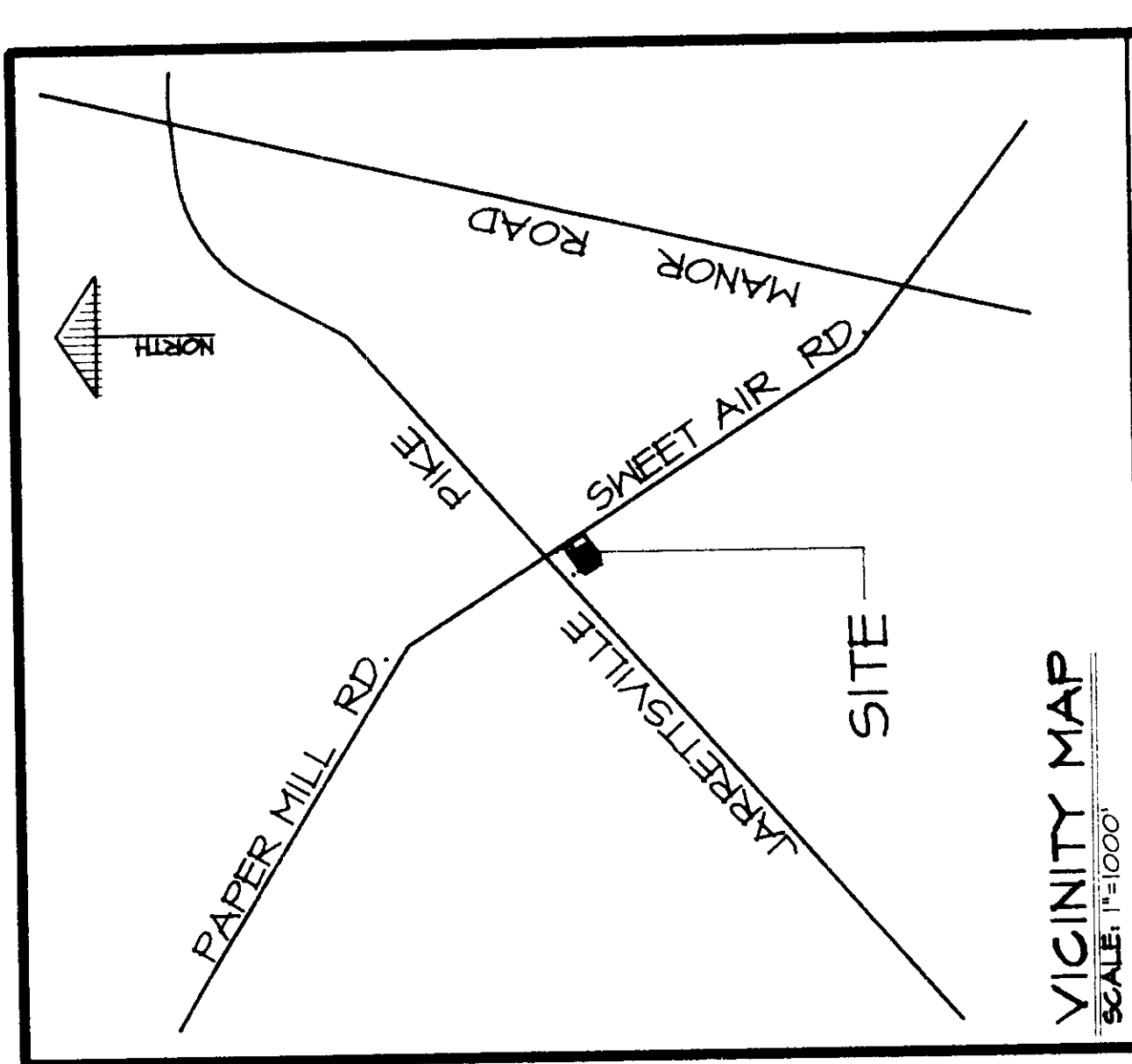
Staff agrees that your plan is within the spirit and intent of zoning case 97-27-A and further zoning hearings are not required.

Please submit 2 signature plans with the sign in the right of way removed from same as per the Zoning Commissioners denial of this sign variance request. Change the zoning variance note #6 to reflect this denial. Signature plans should be accompanied by a copy of this letter with the text included on the plans.

I must that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further or have any questions, please do not hesitate to contact me at 410-887-5391.

John L. Lewis
John L. Lewis
Planner II
Zoning Review

- REASONS FOR REDLINE PLAN:**
- CHANGE SECOND FLOOR FROM WAREHOUSE USE TO OFFICE USE.
 - REVISE TENANT LIST TO REFLECT CURRENT CONDITIONS ("ZACCARI'S" IS NOW VACANT)
 - REVISE PARKING CALCULATIONS TO CHANGE FROM WAREHOUSE PARKING SPACES TO OFFICE PARKING REQUIREMENT OF TEN SPACES
 - ADD SHARED PARKING CALCULATIONS
 - REMOVE VARIANCE ITEM #6, WHICH WAS DENIED.
 - REMOVE EXISTING SIGN SHOWN ON PLAN VIEW.



SITE DATA:

SITE AREA: 28730 SF ± = 54 AC ±
BM-CR

EXISTING ZONING: BM-CR

EXISTING USE:

DUNKIN DONUTS	- 1660 SF
HAIR SALONS	- 2600 SF
ANTIQUES	- 1900 SF
ROMA'S	- 1300 SF
2nd FLOOR AREA	- 3300 SF
TOTAL EXISTING BUILDING AREA	11520 SF
REMAINING BUILDING AREA (1205 SF) IS FOR STORAGE ONLY.	

PARKING REQUIRED:

DUNKIN DONUTS	- 1660 SF
HAIR SALONS	- 2600 SF
ANTIQUES	- 1900 SF
ROMA'S	- 1300 SF
2nd FLOOR	- 3300 SF
TOTAL PARKING REQUIRED	11520 SF
EXISTING PARKING SHOWN	514
TOTAL PARKING PROVIDED	514

GENERAL NOTES:

- TOPOGRAPHIC INFORMATION SHOWN HERE TAKEN FROM 1) "SERVOLOID" CROSS & EITZEL TAKEN FROM DEEDS AND OTHER BOUNDARY SURVEYS AND DOES NOT REPRESENT A BOUNDARY SURVEY.
- SITE IS SERVED BY PRIVATE SEPTIC & WELL.

ZONING:
PREVIOUS ZONING CASE 12-265A. NO CRG PLAN.

97-27-A

PLAT TO ACCOMPANY ZONING PETITION

3411-3419 SWEET AIR ROAD

ELECTION DISTRICT 10
BALTIMORE COUNTY, MD

COUNCILMANIC 6

REVISIONS:
1st
1616/1000 - RESUBMIT

SCALE: 1"=20'

DATE: 7/3/16

JOB NO.: 291-01

DESIGNED: T.J.H.

DRAWN: SLY

CHECKED:

DRAWING NUMBER:
SP-1

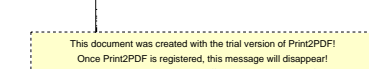
HOFF & ANTONUCCI ASSOCIATES

Land Development Consultants and Landscape Architects

1717 York Rd., Suite 1B
Lutherville, MD 21093
FAX: 628-9229

SHEET 1 OF 1

C:\DWG\291.DWG



IN RE: PETITION FOR VARIANCE
SW/S Sweet Air Road, 140' SE
of Jarrettsville Pike
(3411 - 3419 Sweet Air Road)
10th Election District
6th Councilmanic District
Lenora E. Zaccari, Legal Owner;
John Szyjka, Contract Lessee

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-27-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3411-3419 Sweet Air Road, located in the vicinity of Jarrettsville Pike in Jacksonville. The Petition was filed by the owner of the property, Lenora E. Zaccari, and the Contract Lessee, John Szyjka, through their attorney, Julius W. Lichter, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.3 to permit 27 compact parking spaces in lieu of the required 27 standard size spaces; from Section 409.4.C to permit existing and proposed drive aisle widths of 19 feet and 20 feet in lieu of the required 22 feet, and to permit a one-way aisle width of 12 feet in lieu of the required 20 feet; from Section 409.6 to permit 37 parking spaces in lieu of the required 52; and from Section 413.3.C to permit an existing freestanding sign to remain in its present location within the public right-of-way. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were John Szyjka, Contract Lessee of the subject property, Thomas Hoff, Professional Engineer who prepared the site plan for this project, and Julius W. Lichter, Esquire, attorney for the Petitioners. Scores of individuals who

reside in the vicinity of the subject property attended the hearing in support of the request, all of whom signed the Petitioners' Sign-in Sheet. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.54 acres, more or less, zoned B.M.-C.R., and is improved with a two-story building containing mixed uses. One of the uses in the building is Roma's Restaurant and Carry-Out, which has existed on the property for the past 20 years. Testimony indicated the Petitioners filed the instant request as a result of a complaint concerning parking which was registered with the Zoning Enforcement Division of the Department of Permits and Development Management (DDPM). An inspection of the property and the uses thereon revealed a number of minor violations of the zoning regulations, and thus, the Petition for Variance seeking the relief noted above was filed in order to resolve the matter.

On behalf of the Petitioners, Mr. Lichter proffered testimony in support of the relief requested. Mr. Lichter testified that his client has been in business at the subject location for the past 20 years, and in all that time, there have never been any problems with parking, traffic flow, or any other matters associated with the restaurant use. No new improvements are proposed at this time and thus, the relief requested is merely to legitimize conditions which have existed on the property for many years and to bring the property into compliance with the B.C.Z.R.

As noted above, many residents from the surrounding Jacksonville area attended the hearing in support of the relief requested. In addition to the appearance of those individuals, the Petitioners submitted a Petition of support which had been signed by approximately 4,000 Jacksonville area residents. It should be noted that no one appeared in opposition to

- 2 -

the Petitioners' request and no letters objecting to the relief requested were received by this Office.

After considering the proffered testimony by Mr. Lichter as well as the testimony offered by the citizens who appeared at the hearing, I am persuaded to grant all of the relief requested, with the exception of the variance to allow an existing freestanding sign to remain in the public right-of-way. Testimony revealed that this sign has existed in its present location for the past nine years. The sign poses no visibility problems, nor does it affect traffic in any adverse manner. However, it is located within the State's right-of-way along Sweet Air Road. It is not permissible to grant a variance to allow a sign to exist within a State road right-of-way, and thus, that portion of the relief requested must be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solay, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 3 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances, as modified, are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of September, 1996 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.3 to permit 27 compact parking spaces in lieu of the required 27 standard size spaces; from Section 409.4.C to permit existing and proposed drive aisle widths of 19 feet and 20 feet in lieu of the required 22 feet, and to permit a one-way aisle width of 12 feet in lieu of the required 20 feet; and from Section 409.6 to permit 37 parking spaces in lieu of the required 52, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the variance from Section 413.3.C to permit an existing freestanding sign to remain in its present location within the public right-of-way, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

- 4 -

IT IS FURTHER ORDERED any appeal of this decision must be made within thirty (30) days of the date of this Order.

TMK:bjs

September 27, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/S Sweet Air Road, 140' SE of Jarrettsville Pike
(3411 - 3419 Sweet Air Road)
10th Election District - 6th Councilmanic District
Lenora E. Zaccari, Legal Owner; John Szyjka, Contract Lessee
Case No. 97-27-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: A. J. Szczerbicki, Esquire
28 W. Allegheny Avenue, Towson, Md. 21204

Mr. John Szyjka
3419 Sweet Air Road, Phoenix, Md. 21131

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 9/27/96
By [Signature]

- 5 -

Printed with Scantron Ink
on Recycled Paper

Petition for Variance
to the Zoning Commissioner of Baltimore County
Sweet Air Road Southeast of
Jarrettsville Pike

for the property located at 97-27-A
which is presently zoned RM-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty due to the angle of the right-of-way across frontage of property, the shape of the lot together with the location of the existing improvements and other reasons to be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to any expense of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owners

John Szyjka
(Type or Print Name)

[Signature]
Signature

3419 Sweet Air Road
Address

Phoenix, MD 21131
City, State, Zip

Attorney for Petitioner

Julius W. Lichter, Esquire
(Type or Print Name)

[Signature]
Signature

305 W. Chesapeake Ave., 321-0600
Towson, MD 21204
City, State, Zip

Legal Owners

(Note: All testimony, exhibits and other documents under the provisions of Section 10-101 of the Code of Baltimore must be filed with the legal owner(s) of the property and with the subject of this Petition.)

Legal Owners

Lenora E. Zaccari
(Type or Print Name)

[Signature]
Signature

28 W. Allegheny Avenue 337-8068
Address Phone No.

Towson, MD 21204
City, State, Zip

Attorney for Petitioner

A.J. Szczerbicki, Esquire
(Type or Print Name)

28 W. Allegheny Avenue 337-8068
Address Phone No.

Towson, MD 21204
City, State, Zip

Legal Owners

Julius W. Lichter, Esquire
(Type or Print Name)

305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204
City, State, Zip

Legal Owners

Office Use Only

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER _____

REVIEWED BY: _____ DATE: _____

ORDER RECEIVED FOR FILING
Date 9/27/96
By [Signature]

DROP-OFF
No Review
7/10/96
421

ORDER RECEIVED FOR FILING
Date 9/27/96
By [Signature]



97-27-A

June 24, 1996

Description of 3411-3419 SWEET AIR ROAD, to Accompany Petition for Zoning Variances.

BEGINNING FOR THE SAME at a point on the west side of Sweet Air Road (State Route 145) 140 feet more or less from the center line of Jarrettsville Pike.

Thence binding on the west side of said Sweet Air Road,
(1) South 32 degrees 20 minutes 20 seconds East 40.07 feet;
(2) South 32 degrees 20 minutes 20 seconds East 100.00 feet,

thence leaving the west side of Sweet Air Road,
(3) South 54 degrees 11 minutes 10 seconds West 169.44 feet;
(4) North 32 degrees 20 minutes 20 seconds West 100.00 feet;
(5) North 32 degrees 20 minutes 20 seconds West 40.07 feet,
(6) North 54 degrees 11 minutes 10 seconds East 169.44 feet,

to the point of beginning containing 0.54 acres of land more or less.

Note:
This Description has been prepared for zoning purposes only.



C:\PROJ\DOC\20291-01.DOC

1747 York Road • Suite 18 • Lutherville, MD 21093 • 410-228-9225 • Fax 410-228-9229

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10
Posted for: 97-27-A Date of Posting: 9-6-96
Petitioner: _____
Location of property: 3411-3419 Sweet Air Rd
Location of Sign: Front of Building near Street
Remarks: _____
Posted by: Mark Gavel Date of return: _____
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 811, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 811, 1996.

THE JEFFERSONIAN,
A. Henkle
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, September 24, 1996 at 2:00 p.m. in Room 106, County Office Building.
Case #97-27-A
Item 18
3411-3419 Sweet Air Road
Sweet Air Road, 140' SE of Jarrettsville Pike
10th Election District - 6th Councilmanic
Legal Owner: Lenora E. Zaccari
Contract Purchaser: John Szyjka
Variance to permit 37 existing and new parking spaces in lieu of the required 52; to permit existing 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive lanes existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.
Hearing: Tuesday, September 24, 1996 at 2:00 p.m. in Room 106, County Office Building
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTICE: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
BCH August 1, 1996

Contract Purchaser: John Szyjka
Variance to permit 37 existing and new parking spaces in lieu of the required 52; to permit existing 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive lanes existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.

HEARING: TUESDAY, SEPTEMBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

TO: POTOMAC PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian
Please forward billing to:
Julius W. Lichter, Esq.
Levin & Gann
305 W. Chesapeake Avenue
Towson, MD 21204
321-3600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, September 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

CASE NUMBER: 97-27-A (Item 18)
3411-3419 Sweet Air Road
Sweet Air Road, 140' SE of Jarrettsville Pike
10th Election District - 6th Councilmanic
Legal Owner: Lenora E. Zaccari
Contract Purchaser: John Szyjka

Variance to permit 37 existing and new parking spaces in lieu of the required 52; to permit existing 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive lanes existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.

HEARING: TUESDAY, SEPTEMBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, September 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

CASE NUMBER: 97-27-A (Item 18)
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Legal Owner: Lenora E. Zaccari
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Variance to permit 37 existing and new parking spaces in lieu of the required 52; to permit existing 27 compact spaces in lieu of the required 27 standard size spaces; to permit drive lanes existing and new of 19 feet and 20 feet in lieu of the required 22 feet; to continue to permit a portion of the existing driveway in the public right-of-way; to continue to permit the continued location of the existing free-standing sign in the public right-of-way; and to continue to permit a 12 foot one-way aisle width in lieu of the required 20 feet.

HEARING: TUESDAY, SEPTEMBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: A. J. Szwednicki, Esq.
John Szyjka
Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 17, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No.: 18
Case No.: 97-27-A
Petitioner: Lenora E. Zaccari

Dear Mr. Lichter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 10, 1996.

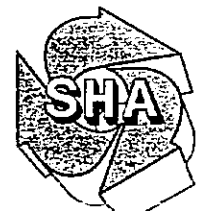
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

MCR/re
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

August 8, 1996

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
Room 111
County Office Building
111 W. Chesapeake Avenue
Towson MD 21204
Mail Stop #1105

RE: Baltimore County
MD 145 (west side)
3411-3419 Sweet Air Road
Variance Request
Item #018 (WCR)
Mile Post 5.58

Dear Mrs. Eubanks:

This letter is in reference to your request for our review of the plan for the above item.

MD 145 is not identified in the State Highway Administration's (SHA) current and long range planning documents for future roadway improvements in this area.

A field inspection of the property reveals the existing curb and gutter and entrances onto MD 145 are in an acceptable condition to the SHA.

However, there are two existing advertising signs located along the property frontage on MD 145 within SHA right-of-way. Commercial advertising signs are not allowed to be located within SHA right-of-way, therefore, the developer needs to relocate the signs outside of SHA right-of-way.

Although we have no objection to approval of the proposed variance request, #1 through #5 indicated on the plan, we cannot support variance request #6 subject to our aforementioned signage relocation comment.

We request the County require the developer to relocate the existing signs as a condition of plan approval.

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Roslyn Eubanks
Page Two
August 8, 1996

If you have any questions, please contact Bob Small at 410-545-5581. Thank you for the opportunity to review this plan.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item No. 018

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Additionally, per Department of Public Works' Std. Plate R-32, Single Commercial Entrance Detail, note no. 5, "All permanent signs and light fixtures shall be outside of the County right-of-way."

The developer should place the existing sign on the face of the existing two-story building.

RWB:HJO:jrb

cc: File

ZONE20A

RE: PETITION FOR VARIANCE
3411-19 Sweet Air Road, SW/S Sweet Air
Road, 140' SE of Jarrettsville Pike
10th Election District, 6th Councilmanic
Legal Owner: Lenora E. Zaccari
Contract Purchaser: John Szyjka
Petitioners
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-27-A
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esq., 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Code
Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3331

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner
DATE: July 29, 1996

FROM: James H. Thompson - DT
Code Inspections and Enforcement Supervisor

RE: ITEM NO.: 18
LEGAL OWNER: Charles and Lenora E. Zaccari
PETITIONER: John Szyjka

VIOLATION CASE NO.: 96-2A
Related Violation C-96-3700

LOCATION OF VIOLATION: 3411 Sweet Air Road
Phoenix, Maryland 21131
10th Election District

DEFENDANTS: Charles Zaccari and Lenora E. Zaccari

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME	ADDRESS
Mr. & Mrs. Mark Peotter	3443 Sweet Air Road Phoenix, Maryland 21131

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Inspections and Enforcement Supervisor, so that the appropriate action may be taken to the violation case.

JHT/DT/hek



Code
Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3331

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner
DATE: July 29, 1996

FROM: James H. Thompson - DT
Code Inspections and Enforcement Supervisor

RE: ITEM NO.: 18
LEGAL OWNER: Anita G. Akob and
Rosemary T. Profil, et. al

VIOLATION CASE NO.: C-96-3700
Related Violation 96-2A

LOCATION OF VIOLATION: 3413-3419 Sweet Air Road
Phoenix, Maryland 21131
Election District

DEFENDANTS: Anita G. Akob and
Rosemary T. Profil, et. al

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME	ADDRESS
------	---------

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Inspections and Enforcement Supervisor, so that the appropriate action may be taken to the violation case.

JHT/DT/hek



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 30, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #18)
Sweet Air Road, SE of Jarrettsville Pike
10th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

In what capacity is John Szyjka signing the petition?

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

LAW OFFICES
LEVIN & GANN

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-0050

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-256-2501

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

July 10, 1996

HAND DELIVERED

Arnold Jablon, Director
Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 3411-3419 Sweet Air Road

Dear Mr. Jablon:

Enclosed herewith you will find the following:

1. Three copies of the Petition for Variance
2. Three copies of the Description of the property
3. One copy of the 200' scale zoning map reflecting the property
4. Twelve copies of the Plat to Accompany the Petition
5. A check in the amount of \$285.00 to cover the costs.

There is presently a zoning violation related to parking, which this case will resolve. The Department of Permits and Development Management has not reviewed the Petition or the exhibits.

Sincerely,

Julius W. Lichter
Julius W. Lichter

JWL/ch

Enclosures

Drop Off
7/10/96
kel

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-0050

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-256-2501

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

July 12, 1996

HAND DELIVERED

Arnold Jablon, Director
Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: 3411-3419 Sweet Air Road

Dear Mr. Jablon:

A Petition for Variance together with attachments were filed regarding the above captioned property on July 10, 1996. I am writing this letter to you to avoid any difficulties in scheduling this case. The parties who are necessary to be present with regard to this case will be unavailable through September 20, 1996. Therefore, please schedule this case some time after September 20, 1996.

Many thanks for your kind cooperation.

Sincerely,

Julius W. Lichter
Julius W. Lichter

JWL/ch

cc: Mr. John Szyjka
A. J. Szczerbicki, Esquire

1996

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-0050

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-256-2501

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

August 6, 1996

Hand Delivered

Mr. Joseph C. Merrey
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Drop-Off Petition Review (Item #18)
Sweet Air Road, SE of Jarrettsville Pike
10th Election District

Dear Joe:

Welcome back from vacation; I hope that you enjoyed your time away. During your vacation, I received your letter of July 30, 1996 regarding the captioned matter.

Mr. Szyjka signed the petition in his capacity as a tenant in the subject property.

I trust that this information will assist in your review; if you need further information, please do not hesitate to contact me.

Sincerely,

Julius W. Lichter
Julius W. Lichter

JWL/rdp

SEP-24-1996 11:54 CONG. EHRlich 4103370021 P.02 02
ROBERT L. EHRlich, JR.
2000 MOUNTAIN ROAD
TOWSON, MD 21204
COMMITTEE
GOVERNMENT REFORM
AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2002
SEP-24-1996 11:54 CONG. EHRlich 4103370021 P.02 02
ROBERT L. EHRlich, JR.
2000 MOUNTAIN ROAD
TOWSON, MD 21204
COMMITTEE
GOVERNMENT REFORM
AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2002

September 23, 1996

Mr. Timothy M. Kotozo
Deputy Zoning Commissioner
Zoning Commissioner's Office
400 Washington Avenue
Towson, Maryland 21204

Tim,

I would like to ask you to consider granting a variance to ROMA CARRY-OUT, which my constituents John and Mary Szyka own. It is my understanding that all of the local businesses in the area of Jacksonville are supporting these fine citizens of Baltimore County.

John and Mary have been for about 20 years providing an excellent environment and eatery in the community. ROMA CARRY-OUT has for many years, been very active in supporting local youth programs, such as Basketball, Soccer and the Jacksonville Volunteer Fire Company. I would hope that your decision will favor the small business owners, who are the backbone of our community.

Sincerely,

Robert L. Ehrlich, Jr.
Member of Congress

PRINTED ON RECYCLED PAPER

TOTAL P. 02

SEP-24-1996 11:54 CONG. EHRlich 4103370021 P.01 02
FAX COVER
CONGRESSMAN ROBERT L. EHRlich
Lutherville District Office
Galleria Atrium
Suite 304
1407 York Road
Lutherville, MD 21093
Phone: (410) 337-3468 Fax: (410) 337-3421

DATE: 9/24/96

Tim
FROM: Bob

TO: Bob

FAX NUMBER: 887-3468

TOTAL NUMBER OF PAGES (INCLUDING COVER): 2

COMMENTS:

Thank you

Bob

FROM: BAGELS UNLIMITED BAGELMEISTER PHONE NO.:
Sep. 19 1996 11:56AM P1
3443 Sweet Air Road
P.O. Box 237
JACKSONVILLE, MD 21131
Bagelmeister
Telephone (410) 628-0112
Fax (410) 628-8075

FAX COVER SHEET

Date: 12 Sept 96

To: Mrs. Larry Schmidt

Fax Phone: 887-3468

Pages, including cover sheet: 6

Hard copy in mail: Yes ☒

Message: I am also sending a copy of No Co News article I just rec'd in mail less than 2 hours ago. Better

I called + discussed

No action needed, not in file

FROM: BAGELS UNLIMITED BAGELMEISTER PHONE NO.:
Sep. 19 1996 11:57AM P2
3443 Sweet Air Road
P.O. Box 237
JACKSONVILLE, MD 21131
Bagelmeister
Telephone (410) 628-0112
Fax (410) 628-8075

September 18, 1996

Mr. Larry Schmidt
Balt. Co. Zoning Commissioner
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Item # 18

Dear Mr. Schmidt:

My name is Kathleen Peotter. My husband, Mark, and I are the owners of Bagelmeister in Jacksonville, MD. I am forwarding this letter to your attention at the suggestion of Donna Thompson, Code Inspection and Enforcement Officer. It is my objective to make you aware of events which have affected my family and our business with regard to the above referenced item. I am attaching hereto correspondence we received from Ms. Thompson citing our connection to this matter.

When Mark was hit with an upper management layoff in September of 1993 we decided the time had come to pursue our own business. With his environmental and mechanical engineering background and management skills he was well equipped to undertake this task. After several laborious months, we were ready to open Bagelmeister in April of 1994. Unexpectedly, we ran into some difficulty with regard to zoning and parking spaces available to us. We were told by the zoning department that the Manor Center did not have enough parking spaces to provide for us to house tables and chairs in our bagel bakery/deli. We were, needless to say, quite distraught over this complication, as we had planned, purchased and installed restaurant seating. To make a long and nerve-racking story short, more parking spaces were provided for us. When Mark returned to the zoning office to obtain permission to open with seats, he was accompanied by Mr. Carl Conway, owner of the management company which cares for Manor Center. Mr. Conway provided the zoning office with the approved plans for the re-linement of the parking area.

Shortly thereafter we were made aware that a Dunkin' Donuts was coming to the area and they were being allowed to open their establishment with seating. We questioned why they were not obliged to follow the same rules that applied to us. It seemed to be brutally unfair that a business sporting a large corporate name would not be required to follow the same set of rules as a small, family owned operation. Thus, we made an inquiry.

FROM: BAGELS UNLIMITED BAGELMEISTER PHONE NO.:
Sep. 19 1996 11:59AM P5
September 1996 The Villager The Vill

Phoenix Eatery Seeks OK For Fewer Parking Spaces

by Nancy Jones

A popular Jacksonville eatery may be forced to change the way it has done business for years because people sometimes like to sit while drinking their coffee and eating a donut.

Not everyone has to grab their morning java and eat their donuts while driving to work. So the Dunkin' Donuts store, located on Sweet Air Road at the four corners in Phoenix, recently put in a few tables for patrons who have a more leisurely schedule.

But adding tables technically transformed the store into a restaurant which requires more parking spaces under Baltimore County zoning regulations. And parking spaces are at a premium for the small retail strip center that also houses two hair salons, a toy store, an antique shop and Roma Carryout, an Italian eatery.

When an adjacent merchant complained, county zoning enforcement officials made Dunkin' Donuts remove the tables. But during the investigation, the inspector discovered that over the years other changes had been made — mostly due to new tenants — that were in violation of county requirements.

As a result of the complaint against Dunkin' Donuts, Zaccari's Toy Store is no longer selling discount toys and party goods from the building's basement. Store owner Joe McCormick voluntarily complied with the request that all retail sales be conducted in the street-level portion of the shop.

'No parking problems'

For about 20 years, Roma Carryout has served good food from the store. Sometime during that period, tables were added at the establishment, apparently without the requisite number of parking spaces required being added. However, owner John Szyka is not willing to remove the tables and is asking county zoning officials for permission to have fewer parking spaces than regulations allow.

On September 24, 2 p.m., Szyka will go before the county zoning commissioner for approval of 37 existing and new parking spaces in lieu of the required 52. He also is seeking several other variances — such as size of parking spaces and drive aisles — ne-

cessitated by the cramped conditions on the property.

"Right now we are waiting for the hearing to take place," said Julius Lichter, the lawyer representing Szyka. "Someone complained that there was inadequate parking — it was a technical problem. There's never been any parking problems with [Roma's], never."

"They have been doing business there a long time and they have gathered a tremendous amount of community support."

Hundreds of signatures

Not only is Lichter saying there is no problem, so, too, are Roma's customers. At the zoning commissioner's hearing, Szyka is expected to present hundreds of signatures collected on petitions in support of the parking variance request.

"There's never been any parking problems with [Roma's], never."

— Julius Lichter

Not only has Szyka been gathering signatures but other merchants — not just in the same strip center but throughout the four corners area — have displayed the petition and gotten customers to sign.

"There's a lot of signatures," said Sue Mitchell, the owner of Looking Good Hair Salon, a neighboring business to Roma. "We give back to them at least a page every day and a lot of times they are full."

"There is no parking problem that I've ever experienced or that my customers have. And I have a lot of customers who stay here for hours [Roma's customers] are in and out of there. They may be busy, but they're quick. They don't stay long."

Whether Roma customers may stay at all will be up to the zoning commissioner. If the variance request is denied, Szyka could be told to remove his tables and go back to carry out only.

FROM: BAGELS UNLIMITED BAGELMEISTER PHONE NO.:
Sep. 19 1996 11:57AM P3

Two years later this inquiry began to snowball, and now our business is being buried under an avalanche of hatred, lies and deceit. This spring, when we were in the process of expanding our business, we found ourselves standing in defense of our ethics and integrity, when truly our business was in need of all of the local businesses.

To mention some of the injustices thrown our way: profanity was written on Mark's car, and the car was trashed with toilet paper; the back door, outside wall and new walk-in refrigerator and freezer on our premises were paintballed more than once (we were advised that we would be held responsible for all clean-up costs); police were summoned several times, in one instance to search for an irritate man who entered our premises in the evening and began screaming across the shop at our manager that she had better inform us that we should "leave Roma's alone if we know what's good for us." This accounting does not include every incident experienced, but I believe it is enough to paint a clear picture of the circumstances.

A community boycott of our business was threatened by many. We have, since this past April, received many nasty phone calls demeaning us, our products and our establishment. Since the printing of the related article (attached) in the September issue of The Villager, we have received more phone calls and intrusions, even though the article does not state our name. In addition, recently a good customer and friend of ours was told by a local business owner that we were being fined thousands of dollars by the health department for selling bad meat. Not only is this untrue, but the impact rumors of this nature can have on a food industry business can be magnanimous. Fortunately, we have a strong business, largely due to the high quality of our products, the cleanliness of our premises, and hard work.

We have had many customers and professional members of the community ask us about rumors they have heard and about our involvement with Roma's. We have spent a great deal of time explaining that we in no way intended harm to Mr. Zaccari, Roma's, or anyone. We feel that we are fortunate that these people ask and at least give us the opportunity to explain.

We have strongly supported business and community in the Jacksonville area since becoming members of this community in 1994. We make endless contributions to area churches, schools, recreation and senior centers. A member of the Manor Merchant Association, I was contracted to create and edit Manor Center Shopper, a non-profit local news and business advertising paper which promoted business in the Jacksonville area and was mailed to over 15,000 area homes. (I ceased this project, however, in May when my time and energies were required elsewhere.) We are a strong moral and ethical family and practice business with professionalism. We are simply astounded by the way we have been treated by some of the business and community members in this area.

FROM: BAGELS UNLIMITED BAGELMEISTER PHONE NO.:
Sep. 19 1996 11:59AM P4

We made an inquiry that apparently opened a whole 'can of worms.' We had no knowledge of Roma's violation or of Mr. Zaccari's previous request for a variance. We had no intent to harm. We went to visit John, the owner of Roma's, back in the spring when this ordeal came to light. We told him that we never intended him any harm, and lent him our full support. This is truth, however, and unfortunately does not spread quickly, like rumor. We had initially intended to attend the zoning hearing in this matter, but at this time choose not to be present for obvious reasons.

In closing, I reflect on a recent phone call I received from a woman who said her name was Judy Johnson. She said that she used to be a customer, but she never intends to come to our shop again because the heat what we were doing to Roma's and that she believes in "free enterprise". I spent close to fifteen minutes explaining what the truth of the matter was, and told her how difficult it is for my husband and I to hear of people speaking badly of us and our business; how difficult it is for my husband to hear people calling me on the phone and screaming at me; how difficult it is for me to watch how my husband has become somewhat withdrawn, when so often I used to admiringly observe him out in the front end of the restaurant cajoling and building community with our customers. Although she was a patient listener, Judy Johnson didn't seem to hear the message in one word I said. She told me that what was done was wrong, that she would no longer be my customer, and again, that she believed in "free enterprise". In a larger sense, the world believes in free enterprise, Judy; but free enterprise without law is terrorism.

Our wish is that it is made clear to this community that the predicament in which Mr. Zaccari and his tenant(s) find themselves, is through no one else's wrong-doing. Much of this community is under the impression that Bagelmeister filed a complaint against Roma's and Zaccari's. This is far from the truth. As the attached correspondence from the code inspection officer notes, Bagelmeister simply made an inquiry into why the Dunkin' Donuts did not have to play by the same set of rules Bagelmeister was required to play by.

Mr. Schmidt, if you have any questions or comments with regard to this matter, please feel free to contact me either the number listed above, or at my home on 879-9006. I thank you in advance for your time, attention and consideration of this matter.

Respectfully yours,

Kathleen A. Peotter

cc: Ms. Donna Thompson

FROM: BAGELS UNLIMITED BAGELMEISTER PHONE NO.:
Sep. 19 1996 11:59AM P6



Start with a drip and a flood will follow:

Roma, a 4-Corners Foodstop, Campaigns to Keep Seats

by Nancy Ringgold

Confusion, property destruction, profanity, gossip, and misinformation surround the Romas saga.

On Sept. 24th, John and Mary Szyka will defend part of their romantic well-being: the seats in which their customers sit.

The seats have resulted in a zoning violation because there are not enough car parking spots and a comprehensive remedy is being sought.

To comply with Baltimore County zoning rules, the strip center, which houses Roma, ought to have 52 parking spaces. The Szyka attorney will ask the County to accept 37 spaces.

On the surface that is the entire situation. The real saga is under the surface. Please follow closely.

The players are: the Peotters, owners of the Bagelmeister; the Randalls, owners of Dunkin' Donuts; Mrs. Zaccari, owner in total and owner in part of the two separate parcels which comprise the Roma - Dunkin' Donut strip; and the Szykas.

It is most beautiful in the autumn.

Ringgold photo

Roma's cont. on page 11

Roma from page 1

Some other Manuscripts

3443 Sweet Air Road
P.O. Box 237
Jacksonville, MD 21131

Telephone (410) 628-0112
Fax (410) 628-6075

FAX COVER SHEET

Date: 19 Sept '96

To: *Mr. Lasse Schmidt*

Phone: 887-3468

Pages, including cover sheet: 3

Hard copy in mail: Yes ☒ No

Message: Following is a copy of the correspondence
we received from Donna Thompson
which is mentioned in my letter
to you. It was omitted with the first
fax.

Kathleen Peatler

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 23, 1996

Mr. & Mrs. Mark Peotter
3443 Sweet Air Road
Phoenix, Maryland 21131

Re: 3411 Sweet Air Rd.
(Citation 96-2AB)
3413-3419 Sweet Air Rd.
(Case C-96-3700)
10th Election District

Dear Mr. & Mrs. Mark Peotter:

This letter is to inform you as to what has transpired for the above-referenced properties which together is considered a strip shopping center, although in two separate parcels. Outlined are some of the occurrences since this office has been involved.

2/23/95 - Per the Development Management office, received telephone call from you that the newly opened Dunkin Donuts had added tables and chairs. This inquiry/complaint was given to Zoning Enforcement to investigate.

3/6/95 - My inspection did show tables with chairs. Parking was deficient for this site since a fast food restaurant requires 16 parking spaces for every 1000 square feet of gross floor area.

3/13/96 - Notification of above to property owners (Mr. and Mrs. Zaccari) with copy sent to Mr. Michael Randall (tenant).

1/19/96 - Inspection of 3413-3419 Sweet Air Road. Lack of sufficient parking observed. Roma Carry-out is considered a fast food restaurant due to the booths. Baltimore County opened case for 3413-3419 Sweet Air Road (C-96-3700).

Mr. Randall had hired Spellman, Larson and Assoc., Inc. to rectify the parking problem for Dunkin Donuts. Once a citation was issued the property owners engaged the services of an attorney, A. J. Szaerbicki. It is noted that in 1972 a zoning variance was filed for 3411 Sweet Air Road for parking which was denied.

PBT TIGERS
 PROSECUTOR(S) SIGN-IN SHEET

NAME ADDRESS

Wm McLean 13701 Baldwin Mill Rd
21013 ZIP
2517 1st St. #1 21003

Ant Sporo 13413 Blue Ridge Rd. #100100
21031
1812 5th St. SE. Ok. 73101
21031

George + Connor Murray 2926 Murray Ave. N. Ok. 73101
3310 S. Murray Ave. Ok. 73101

George S. Badders 2025 Durham Rd. 21247
Charles Duran 16204 Mackay Rd. 21111
Edward T. Rein Hest 11903 Jetterville Rd. 21111

David B. Morrison 3241 1/2 St. SE. Ok. 73101
2121

William Gull 1221 1/2 1st St. SE. Ok. 73101
2121

William B. Smith, Jr. 12513 1st St. SE. Ok. 73101
2121

F. Cy Platt 13415 Blue Ridge Rd. 21031
J. Murray Brumley 12513 1st St. SE. Ok. 73101
2121

Robert Kerschbaum 2025 Durham Rd. 21247
Doris Deke 1102 S. Currier St. 21111
21247

W. H. Brown 11824 Jetterville Rd. 21111
21247

Theodore J. Hartke 166 Kershaw Dr. Phoenix, AZ 85001
21031

Edward A. Gierwin 13701 Jetterville Rd. 21111
21247

Gregory D. Hest 9820 Belcher Rd. 21031
21247

W. Kerschbaum 2025 Durham Rd. 21247
21247

A. Brumley 227 S. Currier St. 21111
21247

Jed. Kerschbaum 6821 1st St. SE. 73101
21247

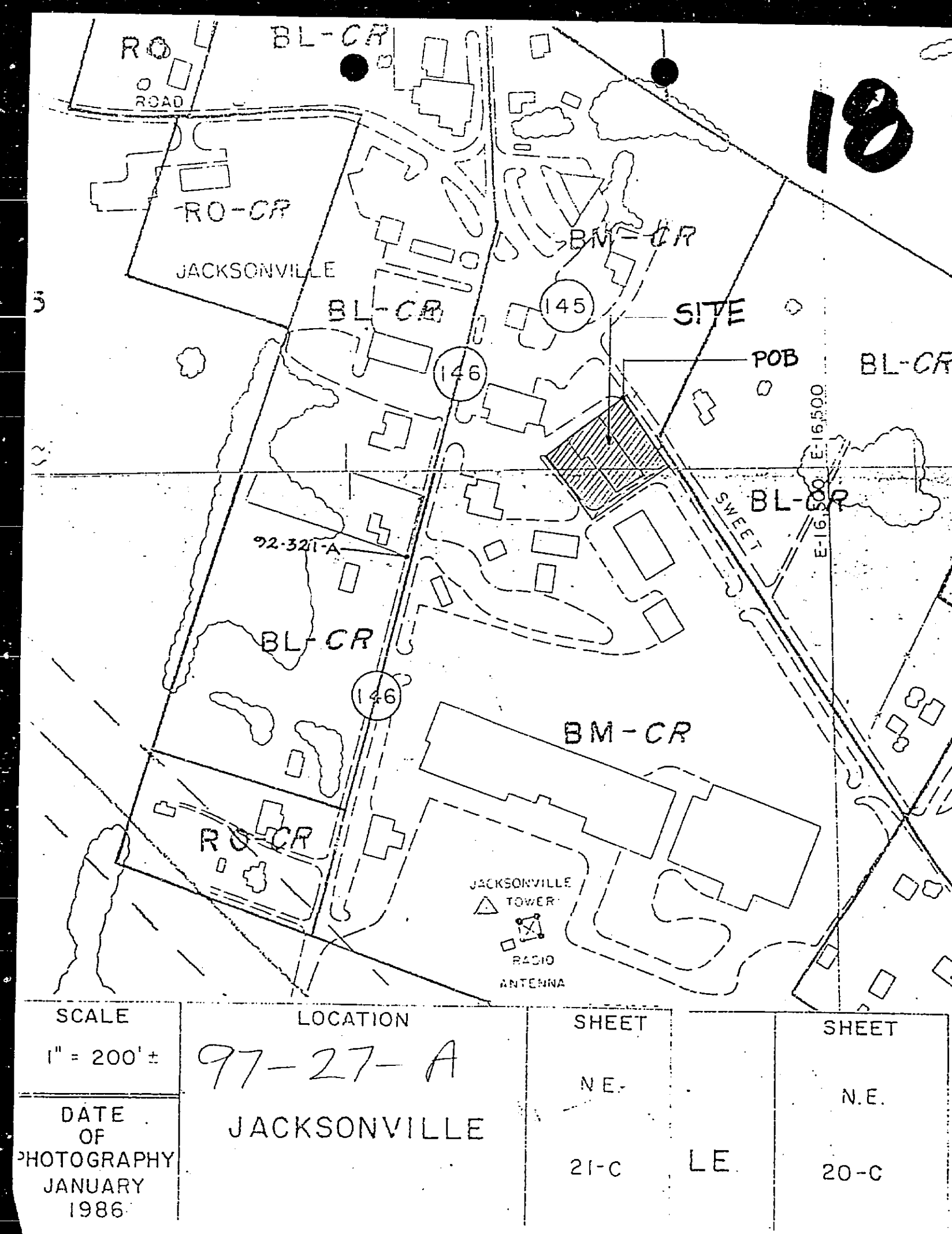
PETITIONERS

NAME ADDRESS

A. John JAVOS, JR
CAROLYN McDONOUGH
Ann Bate
Hary Bader
CAROLYN ENSOR
Kurt Rosenfield
Marcia & Ken ~~W~~ Mueh
Diane Kragg ~~W~~ Mueh
Julie Kelly
Dan & Sherry
Pat Egan
Glen & Wileen
Sunny Bradley
Holly Franzer
Dr. & Mrs.
Ruth & Brown
Marta & Snadley
James & McCoy
Randy & Arices
E. & Lillian ~~W~~ Mueh
M. Rogers & Rotherman
JENNIFER MARTUCEI
Jo Ellen Kallm
JOHN T. O'HARA
DOUG ROBERTS

2921 Paper Mill Rd. Phoenix
4939 ~~SW~~ KRETZEVATLEY RD
5520 Sweet Air Rd. 2103
Box 22 Phoenix, AZ 2113
Box 94 Phoenix, AZ 21131
5500 Sweet Air
7004 Hawthorne Dr
10 Bonito, CT 21151
8 Blummont 2113
1402 SW Road 21131
14322 Old York Rd 21131
15251 Delany Valley, KS 21131
13501 Long Creek Rd. Phoenix, AZ
15001 Kinsman Rd. Bloomington
2101 School Rd. Phoenix 21054
3612 East Dixie Way, Madera 2111
3912 Sweet Air Rd. Phoenix 2113
Phoenix, AZ 21131
1101 Phoenix Rd 2111
3820 Blenheim Rd, Phoenix, 2113
3005 FRANKLINS CHANCE DE FAUSTEN
13101 Hesperia Phoenix 21131
13700 Cactus Avenue, AZ 2113
4105 Sweet Air, Phoenix, 2013

PETITIONERS

[illegible]

3421 SWEET AIRE ROAD JACKSONVILLE, MARYLAND 21131 TELEPHONE 828-7050

By Deane c/o
Barry M. Weiner, D.D., F.A.A.O.

Page 157

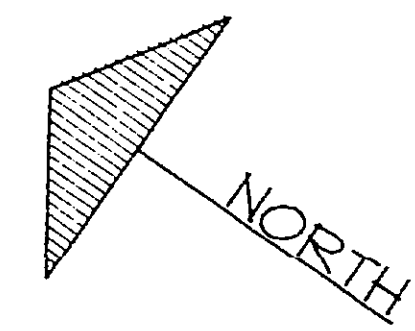
NAME	ADDRESS
Nellie Larson	16631 Penna Rd Monks, Md 21
Joan Anderson	13806 Ansari lane Beltsville
Linda Shukle	3323 Midland Ct. Abingdon
Zygmuntka	14114 Manor Rd Phoenix
Karen Wokward	31 Washington Dr Phoenix
W.F. Bells mo	47th and 48th Sts. Phoenix
Patt D.	1388 Loring Mills Ln Bel Air MD
Yvonne M. J.	3511 A Jackson Rd Beltsville
Steve Campbell	13947 S. W. 14th Ave. Phoenix
William J. J.	10000 Greenview Rd Phoenix
Bruce & Bond	13570 Blenheim Rd N. Phoenix, Md
Steve Ledrich	41 Club View Ln Phoenix, AZ

NAME	ADDRESS
Malinda Snomericus	13604 Summer Hill Dr. 21131
Patricia A. Sinner	13419 Beechledge Rd 21131
Shirley Baxter	13508 Redcoat Lane 21131
Lucile Dyer	15014 Lovelake Rd 21111
Lawell D. Dyer	15014 Lovelake Rd 21111
Emily K. Single	18 Glenbrook Dr 21131
McDonald	3855 Felt St Hill Rd 21054
E. Winder	4009 Blythe Rd. 21131
Jane Williams	657 Claude St Ave 21054
Kim Coker	4114 Crottoys Ct 21084
Judy Berlin	24449 Tufes Ave 21126
Christa Bird Speer	18315 Vernon Rd, White Hall 21161

[illegible]

NAME	ADDRESS
John Stuewe	2601 Merryman Pl. 11 Rd
Ray L. Buffum	3809 Dine's natural City
My. Phil. Jr.	15 1/2 Adams CT
Karl J. Jolle	14909 Dunstan Lane
Basil Spacco	13535 Jarrettsville Pk.
Orly Czajkowski	7 Spring St. Ct. Cockeysville
Wendy Jones	9380 Michael Way E.C. Rd.
Norma Alrick	4203 Green Glade Rd.
Deely Shumate	19004 Hunt Pass Ct
Carol House	5006 Long Green Rd.
Patie Zoldern	14201 Rawson. 11 Ct
Theresa Knox	3613 Hess Rd. Monkemith

97-27-A



SWEET AIR ROAD

MD. ST. RTE. 145

BL-CR
BM-CR

BL-CR
BM-CR

POB

EX. 25' ENTRANCE

EX. ILLUMINATED SIGN
2' X 4' X 15'

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

140' TO C. OF JARRETTVILLE PIKE

S32°20'20"E 40.07'

S32°20'20"E 100.00'

EX. PARKING

EX. CONC. WALK

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

BM-CR

EDGE OF MAC.

USE IN COMMON R/W

NE4°11'00"W 164.44'

2nd FLOOR

WAREHOUSE

EX. 2 STRY. BLDG.

3411A

3411B

3413

3415

3417

3419

EX. AC PAD

ONE WAY

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

EX. 25' ENTRANCE

EX. 80' R/W

EX. PAVING

THESE EXIST. SPACES
ARE NOT COUNTED IN
PARKING CALCULATIONS.

EX. OFFICE BUILDING
5200 SF.

VARIANCES REQUIRED:

- 1) VARIANCE OF 37 EXISTING AND NEW PARKING SPACES IN LIEU OF THE REQUIRED 52 PURSUANT TO SECTION 409.6
- 2) VARIANCE OF THE EXISTING 27 COMPACT SPACES IN LIEU OF THE REQUIRED 27 STANDARD SIZE SPACES PURSUANT TO SECTION 409.3
- 3) VARIANCE OF DRIVE ISLES EXISTING AND NEW OF 14' IN LIEU OF THE REQUIRED 22' PURSUANT TO SECTION 409.4C
- 4) VARIANCE OF ONE WAY DRIVE ISLE EXISTING OF 12' IN LIEU OF THE REQUIRED 14' PURSUANT TO SECTION 409.4C
- 5) VARIANCE TO CONTINUE TO PERMIT A PORTION OF THE EXISTING DRIVENWAY IN THE PUBLIC RIGHT-OF-WAY PURSUANT TO SECTION 409.8
- 6) VARIANCE TO CONTINUE TO PERMIT THE CONTINUED LOCATION OF THE EXISTING SIGN IN THE PUBLIC RIGHT-OF-WAY PURSUANT TO SECTION 419.3C.

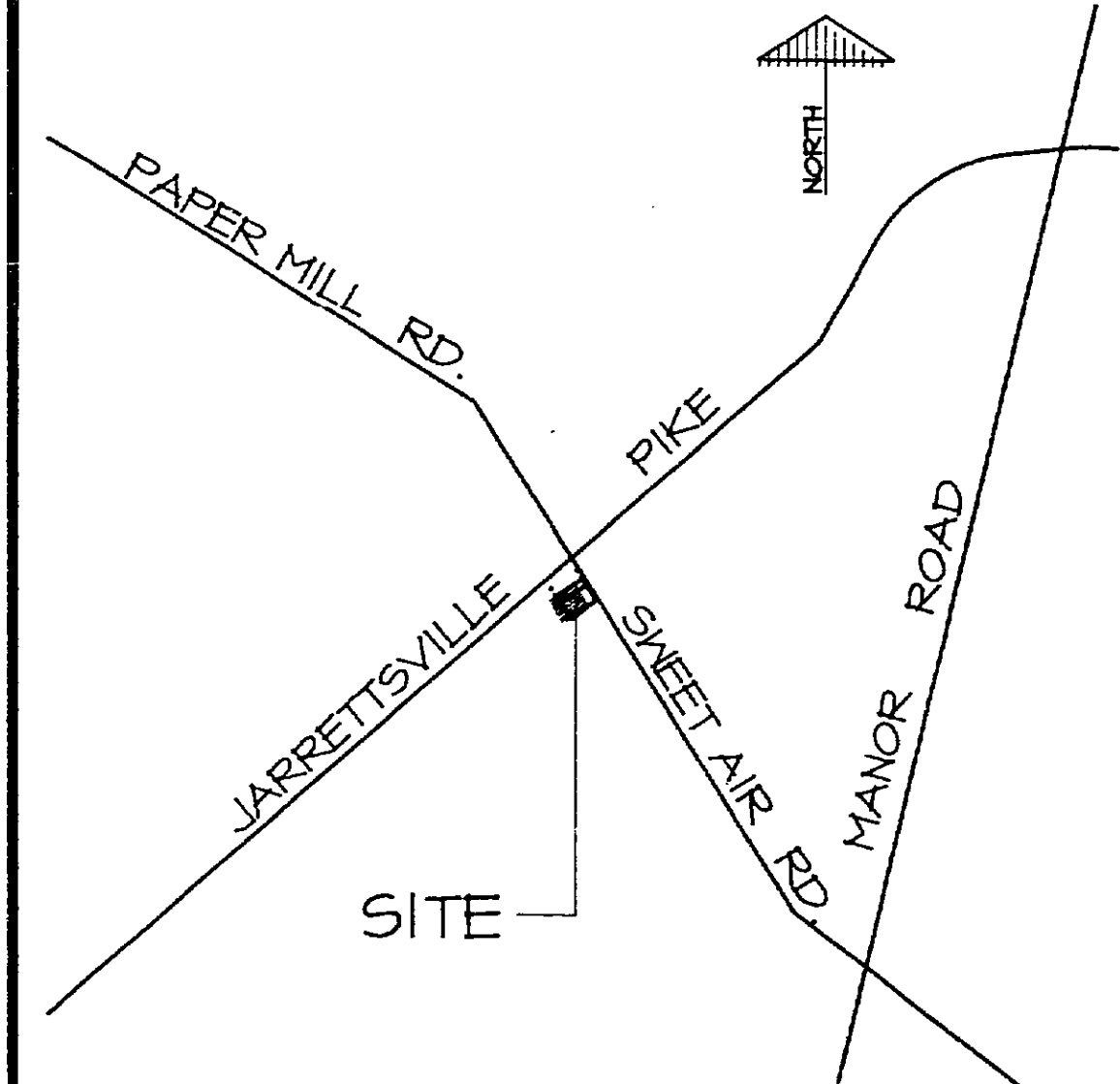
ADDRESS	TENANT
3411A	DUNKIN DONUTS
3411B	ZAGGARI TOYS
3413	ROSARIO'S HAIR STUDIO
3415	LOOKING GOOD HAIR STUDIO
3417	ANTIQUES REFINISHING
3419	ROMA'S CARRYOUT

BM-CR

EX. COMMERCIAL BLDG.

EX. COMMERCIAL BLDG.

OWNERS:
CHARLES & LENORA ZAGGARI
3411A & 3411B SWEET AIR ROAD
CHARLES & LENORA ZAGGARI
RUSSELL & ROSEMARY JEFFI
ANITA AKOPI
ROSEMARY PROFILI
3413-3419 SWEET AIR ROAD
DEED REFERENCE:
8064/315
9642/571



VICINITY MAP

SCALE: 1"=1000'

SITE DATA:

SITE AREA	23190 SF ± = 54 AC. ±
EXISTING ZONING	BM-CR
EXISTING USE:	
DUNKIN DONUTS	- 1060 SF
ZAGGARI'S TOYS	- 1060 SF
HAIR SALONS	- 2600 SF
ANTIQUES	- 1300 SF
ROMA'S	- 1300 SF
2nd FLOOR AREA	- 3000 SF
TOTAL EXISTING BUILDING AREA	11525 SF
REMAINING BUILDING AREA (1,205 SF)	IS FOR STORAGE ONLY.

F.A.R.:

F.A.R. ALLOWED = 4.0

F.A.R. SHOWN = 0.46

PARKING REQUIRED:

DUNKIN DONUTS	- 1060 SF @ 5/1000	= 5.3 SP.
ZAGGARI'S TOYS	- 1060 SF @ 5/1000	= 5.3
HAIR SALONS	- 2600 SF @ 5/1000	= 13.0
ANTIQUES	- 1300 SF @ 5/1000	= 6.5
ROMA'S	- 1300 SF @ 5/1000	= 6.5
2nd FLOOR	- 3000 SF @ 1/1000	= 3.0
(1 EMPLOYEE ON LARGEST SHIFT)		
TOTAL PARKING REQUIRED		= 51.9
EXISTING PARKING SHOWN		= 27
PROPOSED ADDITIONAL PARKING		= 10
TOTAL PARKING SHOWN		= 37

GENERAL NOTES:

- 1) TOPOGRAPHIC INFORMATION SHOWN HERE TAKEN FROM VERHOLD, GROSS & ETZEL FILE 6/10/96.
- 2) BOUNDARY SHOWN HEREON TAKEN FROM DEEDS AND OTHER SOURCES AND DOES NOT REPRESENT A BOUNDARY SURVEY.
- 3) SITE IS SERVED BY PRIVATE SEPTIC & WELL.

ZONING:

PREVIOUS ZONING CASE 12-265A, NO CRG PLAN.

97-27-A

PLAT TO ACCOMPANY
ZONING PETITION

3411-3419 SWEET AIR ROAD

ELECTION DISTRICT 10
BALTIMORE COUNTY, MD

COUNCILMANIC 6

HOFF &
ANTONUCCI
ASSOCIATES

REVISIONS:

18

SCALE: 1"=20'

DATE: 7/3/96

JOB NO.: 291-01

DESIGNED: TJH

DRAWN: SLV

CHECKED:

DRAWING NUMBER:

SP-1

SHEET | OF |

C:\DWG\291.DWG

Land Development
Consultants
and Landscape
Architects

1717 York Rd., Suite 1B
Lutherville, Md. 21093
410-628-3225
FAX: 628-9229